

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1173 of 2021**

- Ku. Shaista @ Rimsa Rahman D/o Late S.M. Rahman Aged About 31 Years
R/o Near Dau Rice Mill, Nayapara, Jagdalpur, Post Office Jagdalpur, Police
Station City Kotwali, Tahsil Jagdalpur, District Bastar Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its Secretary, Department Of Revenue, New Raipur Mantralaya, New Raipur, Civil And Revenue District Raipur Chhattisgarh
2. The Collector Bastar, District Bastar Chhattisgarh
3. The Sub Divisional Officer (Revenue) Place Jagdalpur, Tahsil Jagdalpur, District Bastar Chhattisgarh
4. The Tahsildar Jagdalpur, District Bastar Chhattisgarh
5. Sadik Rahman S/o Late S.N. Rahman Aged About 52 Years
6. Shakil Rahman S/o Late S.N. Rahman Aged About 65 Years
7. Dr. Shahid Rahman S/o Late S.N. Rahman Aged About 61 Years
8. Smt. Shabnam Zahir W/o Dr. S. Zahiruddin Aged About 58 Years

Respondents No.5 to 8 are R/o Nayapara, Jagdalpur, District Bastar Chhattisgarh

9. The Nazul Officer Jagdalpur, District Bastar Chhattisgarh

---- Respondents

For Petitioner : Shri Punit Ruparel, Advocate

For Respondents/State : Ms. Richa Shukla, Dy. GA

Hon'ble Shri Justice Goutam Bhaduri**Order****01/03/2021**

1. Heard.

2. The grievance of the petitioner is that the grand-father of the petitioner had filed a civil suit for declaration and during the pendency of the suit, he died and the legal heirs were substituted, who are respondents No.5 to 8. He would further submit that subsequently, the legal heirs have withdrawn the civil suit and thereafter an application was filed in the Nazul, wherein the name of the respondents have been recorded. He would further submit that the petitioner is also a sharer being the daughter of the son and since the original S.N. Rahman was the lessee, the petitioner right cannot be ignored. He would further submit that without looking into the facts that the petitioner has also vested right, the name of the respondents have been recorded in the Nazul by order dated 27.01.2021.

3. Perusal of the order dated 27.01.2021 (Annexure P-7) would show that it is only in respect of the mutation of the name and if the petitioner claims share in the property of late S.N. Rahman then she is required to face another bout of litigation for claiming her right. Mutation proceeding being the entries in the revenue records, they do not convey title. Entries are only relevant for purpose of paying land revenue and has nothing to do with ownership as per the law laid down by the Supreme Court in the case of ***Municipal Corporation, Gwalior Vs. Puran Singh alias Puran Chand and others {AIR 2014 SC 2665}***. Therefore, the petitioner shall be at liberty to avail the appropriate remedy as available to her under the law.

4. Accordingly, the petition is dismissed.

Sd/-

Goutam Bhaduri
Judge

Ashu