

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1877 of 2021**

- Purushottam Agrawal S/o Late Ishwar Das Agrawal Aged About 70 Years R/o Post Office Road- Kharsia, Tahsil-Kharsia, Distt. Raigarh, Civil And Revenue Distt. Raigarh (C.G.) **---- Petitioner**

Versus

1. State Of Chhattisgarh Through Collector, Raigarh, Distt. Raigarh (C.G.)
2. The Commissioner, Bilaspur Division, Bilaspur, Distt. Bilaspur (C.G.)
3. The Board Of Revenue, Bilaspur Distt. Bilaspur (C.G.)
4. The Sub Divisional Officer, (Revenue) Kharsia, Distt. Raigarh (C.G.)
5. The Tahsildar, Raigarh Distt. Raigarh (C.G.)
6. The Nazul Officer, Raigarh Distt. Raigarh (C.G.)
7. Kailash Agrawal S/o Late Ishwar Das Agrawal Aged About 70 Years R/o Chandantal Road-Kharsia, Tahsil-Kharsia, Distt. Raigarh (C.G.)

---- Respondents

For Petitioner	:	Mr. Manoj Kumar Sinha, Advocate
For State	:	Mr. Gagan Tiwari, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order****09.04.2021**

1. Heard.
2. Learned counsel for the petitioner submits that the Nazul land bearing No. 472/56 ad-measuring area 2875 sq. ft. at Kharsia Distt. Raipur was earlier recorded in the name of mother of the petitioner namely Durga Devi who expired in the year 2016, subsequently on the basis of the WILL, the said land was recorded in the name of respondent No. 7 namely Kailash Agrawal who is the brother of the petitioner. He would submit that thereafter the said mutation

was challenged by the petitioner and the Revenue Authorities observed that the lease would be renewed, therefore he can make an application. Subsequently, when the said application was made, it was observed that since the WILL exists in favour of the respondent No. 7 Kailash Agrawal therefore the petitioner's name cannot be recorded. He further submits that the SDO has decided the veracity of the WILL, who is not empowered to do so. Therefore the order itself is bad in law.

3. Perusal of the record shows that on the basis of the WILL, the name of the respondent No. 7 was recorded. If the petitioner is aggrieved by the order of mutation, then the very germane of the issue which arises through the WILL is required to be challenged, if so advised. Even otherwise the revenue record's entry are only for fiscal purpose which would not create any right in favour of either of the parties. Consequently, the petitioner may avail the appropriate remedy available to him under the common law.
4. With the above direction/observation, this writ petition stands disposed off.

Sd/-

(Goutam Bhaduri)
Judge