

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.(C) No. 2418 of 2021

Badri Prasad Ogre, S/o. Late Shri Faguram Ogre, Aged About 70 Years,
R/o. Qr. No. HIG- 02, Housing Board Colony, Balconagar, Police Station
Balco Nagar, Tehsil & District Korba Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, Department Of Revenue, Mahanadi Bhavan, Mantralaya, New Raipur Chhattisgarh
2. The Commissioner, Bilaspur Division, District Bilaspur (Chhattisgarh)
3. The Collector, Janjgir Champa, District Janjgir Champa (Chhattisgarh)
4. The Sub Divisional Officer, Baloda, District Raigarh (Chhattisgarh)
5. The Tehsildar Baloda, District Janjgir Champa, Chhattisgarh
6. Krishna Kumar Lehray, S/o. Shri Natthuram Lehray, Aged About 45 Years, R/o. Village Panorapara (Budgahan) P.S. Baloda, District Janjgir Champa, Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Ashutosh Shukla, Advocate
For State	:	Mr. Siddharth Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

10.08.2021

Heard

1. The grievance of the petitioner is that the petitioner has sold certain part of land for which the sale consideration was fixed for Rs.10,75,000/- out of which Rs.10,36,400/- were paid, however, Rs.38,600/- was not paid, so the entire sale consideration was not paid. Though the sale deed was registered, while the names were to be mutated by the respective Tahsildar, the petitioner objected the same and without assigning any reason, the name of the purchaser, the respondent No.6 have been directed to be mutated. He would submit that the reference was made uptill the Revenue Board but without giving any reasons, the name of the respondent No.6 was directed to be mutated though the sale

consideration is not fully paid. Therefore, the reasons are required to be assigned for mutation of the name.

2. The copy of the sale deed which is placed on record shows that the sale consideration was fixed of Rs.5,00,000/-. The sale deed is registered. Therefore, in view of Section 92 of the Indian Evidence Act whether oral evidence would be admissible to say that the sale consideration was Rs.10,75,000/- and the part was not paid cannot be adjudicated in this writ petition. Section 92 creates a bar of admissibility of the oral evidence in the like nature except unexceptional circumstances. In view of the same, no relief can be granted to the petitioner in this petition. The petition sans merit and is dismissed. The petitioner, however, shall be at liberty to avail the other remedy, if so advised.

Sd/-
(Goutam Bhaduri)
Judge

Aks