

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2827 of 2021

Abhay Kumar Singh, Aged About 35 Years, S/o Shri Jiwender Singh, R/o Parshuram, Village Dadarkhurd, Tehsil Korba, District Korba (C.G.) Through Its Power Of Attorney Holder Shri Jiwender Singh, Aged About 62 Years, S/o Late Shri Chandra Dev Singh, R/o Parshuram, Village Dadarkhurd, Tehsil Korba, District Korba Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, Revenue Department, Mahanadi Bhawan, Nawa Raipur Chhattisgarh.
2. The Collector Korba, District Korba Chhattisgarh.
3. The Sub Divisional Officer Korba, District Korba Chhattisgarh.
4. Tehsildar Korba, Tehsil Korba, District Korba Chhattisgarh.

---- Respondents

For Petitioner	: Dr. N.K. Shukla, Sr. Advocate with Shri Arjit Tiwari, Advocate.
For State	: Shri Siddharth Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

13/07/2021

Heard.

1. Learned counsel for the petitioner submits that after a lawful purchase of the land, the name of the petitioner was mutated in respect of the part of the khasra No.882/1~~7~~ admeasuring 0.036 hectares and the order of the Tehsildar is dated 30/09/2016. Learned counsel further submits that subsequently the diversion order was also passed on 5/03/2021 and the petitioner has already constructed a house, however in the computerized land records the land has been shown as a government land, therefore threat exists for demolition. Learned counsel submits that the application to this effect has already been made to the Tehsildar, Korba and the Tehsildar, Korba may be directed to see to the earlier order passed by the

Tehsildar and the SDO for diversion and correct the clerical error which might have occurred during the entry for on line availability of the land records.

2. After perusal of the documents it shows that after purchase of the land the name of the petitioner was recorded on 30/09/2016 by Annexure P-4. Subsequently, the order of diversion has already been passed by order dated 5/03/2021 in respect of khasra No.882/1~~7~~ admeasuring 0.036 hectares. The photograph shows that the house has also been constructed.

3. The problem occurred because of the fact that in Bhuyian which is a on line availability of the record the land is shown to be a government land. There are chances that while making the entry for on line availability of the land record wrong facts might have been entered. The petitioner has already filed an application before the Tehsildar, Korba by Annexure P-11 on 25/06/2021. Therefore this factual aspect can be looked into by the Tehsildar for correction of the name in the land record of Bhuyian Chhattisgarh Land Records which is on line availability of land record. The Tehsildar, Korba therefore is directed to decide the application of the petitioner which is filed on 25/06/2021 and during such hearing the petitioner shall also be allowed to place the different orders passed in his favour so as to apprise the facts if any clerical error has occurred while making entry for on line availability of the land record. Till such application of the petitioner are decided, it is directed that no coercive action for forceful demolition or ejectment shall be carried out by the respondent.

4. With such observation, the petition stands disposed of.

Sd/-

(Goutam Bhaduri)
Judge