

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 355 of 2021**

1. Santosh Rao Bhosale, S/o Late Shri Manikrao Bhosale, Aged About 49 Years, R/o Kasturba Nagar Bilaspur, Police Station Civil Line, Tahsil And District Bilaspur Chhattisgarh.
2. Chintaman Rao Bhosale @ Ashok Rao Bhosale, S/o Late Shri Manikrao Bhosale Aged About 47 Years R/o Kasturba Nagar Bilaspur , Police Station Civil Line, Tahsil and District Bilaspur Chhattisgarh.
3. Mahendra Rao Hadage, S/o Gopal Rao Hadage, Aged About 50 Years R/o Kasturba Nagar Bilaspur, Police Station Civil Line, Tahsil and District-Bilaspur, Chhattisgarh.
4. Yogeshvar Rao Hadage, S/o Mahendra Rao Hadage, Aged About 17 Years (Minor) Through Father Mahendra Rao Hadage, R/o Kasturba Nagar Bilaspur , Police Station Civil Line , Tahsil And District Bilaspur Chhattisgarh.
5. Sharada Bhosale, D/o Late Shri Manik Rao Bhosale, Aged About 42 Years, R/o Kasturba Nagar Bilaspur , Police Station Civil Line, Tahsil and District Bilaspur Chhattisgarh.

---- Petitioners

Versus

- Prem Lal Dewangan S/o Late Shri Tapsi Dewangan R/o Kasturba Nagar, Bilaspur , Tahsil and District-Bilaspur, Chhattisgarh.

---- Respondent

For Petitioners : Mr. Siddharth Dubey, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

03/08/2021

1. This petition has been brought against the order passed by the Superintendent of Land Record (Diverted land/Urban region), Bilaspur, in Revenue Case No.60/A-6/08-09 dated 7.11.2009 (Annexure P/5) and order in appeal passed by the Additional Collector, Bilaspur, in Revenue Case No.-19/A-6/2016-17 dated 15.3.2018.

2. It is submitted by the counsel for the petitioner that the petitioners are successors of deceased Manik Rao Bhosle. On an application filed under Section 372 of Indian Succession Act, the succession certificate was granted to the petitioners to receive the retiral benefits of the deceased. The Miscellaneous Appeal No. 12/2015 filed by respondent was dismissed vide order dated 14.10.2015 by the appellate Court. Hence, on this basis, the petitioner had entitlement over the property in question. The respondent has filed an application under Section 110 of CGLRC before the Superintendent of Land Records, Bilaspur, which has been allowed by the impugned order dated 7.11.2009 and the same was upheld in the impugned order dated 15.3.2018 passed by the Additional Collector in appeal.
3. Considered on the submissions. The petitioners have liberty to file Second Appeal before the Court of Commissioner and, further, they have also liberty to file civil suit appeal regarding the dispute present between petitioners and the respondents. Hence, this petition is disposed off at the motion stage. The petitioners have liberty to file Second Appeal before the Court of Commissioner and also to file civil suit regarding the dispute present.
4. Accordingly, the petition is disposed off.

Sd/-

(Rajendra Chandra Singh Samant)

Judge