

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 3581 of 2021**

- Shraddha Singh D/o Vijay Singh Aged About 32 Years R/o Tahsil-Dharamjaigarh, District- Raigarh, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Revenue Department, Mahanadi Bhawan, Mantralaya, Capital Complex, New Raipur, District- Raipur, Chhattisgarh
2. Additional Commissioner Bilaspur Division, Bilaspur, District- Bilaspur, Chhattisgarh
3. Sub Divisional Officer Dharamjaigarh, District- Raigarh, Chhattisgarh
4. Tahsildar Kapu, Dharamjaigarh, District- Raigarh, Chhattisgarh
5. Rekha D/o Late Amar Bahadur Singh Aged About 55 Years
6. Renuka D/o Late Amar Bahadur Singh Aged About 53 Years
7. Reena Singh D/o Late Amar Bahadur Singh Aged About 45 Years

All above respondents No.5 to 7 R/o Mage Chanchayat, Dharamjaigarh, Ward No. 6, Tahsil- Dharamjaigarh, District- Raigarh, Chhattisgarh

---- Respondents

For Petitioner : Shri Anurag Singh, Advocate

For Respondents/State : Ms. Astha Shukla, PL

Hon'ble Shri Justice Goutam Bhaduri**Order****15/09/2021**

1. Heard.

2. Challenge in this petition is to the order dated 30.07.2021 passed by the Additional Commissioner, Bilaspur, whereby an application for stay has been rejected claiming status quo in respect of the subject property.
3. Background of the facts are that a judgment and decree was passed in favour of the petitioner on 01.10.2019 in Civil Suit No.11A/2012 by the Civil Judge, Class-II, Dharamjaigarh. In such judgment and decree, the petitioner was held to be the owner of the land total 14 plots admeasuring 10.328 hectare at village Vijaynagar, Tehsil Dharamjaigarh, District Raigarh. The possession decree was also passed in favour of the petitioner. Further the injunction was also passed as against respondents No.5 to 7 not to alienate the property. After such judgment and decree was passed by the Court of Civil Judge, Class-II, an application was filed before the Tehsildar for mutation of the name and the Tehsildar by order dated 27.10.2020 has ordered for correction/mutation of the name. The said order was subject of appeal before the SDO and the SDO by order dated 27.01.2021 has allowed the appeal and set aside the order of the Tehsildar. The said order was subject of appeal before the Commissioner and along with memo of appeal, stay application was also preferred. In the said second appeal the impugned order dated 30.07.2021 has been passed. Reading of the order would show that though the delay was condoned and the appeal was admitted for hearing but the stay application was rejected being not satisfactory.
4. In any case, when the petitioner is holding the judgment and decree that certain certain rights have been affirmed in his favour by the decree of the Court unless it is set aside or modified. In the meanwhile when the application for mutation

of the name is pending, once the second appeal is admitted for hearing by the Additional Commissioner, Bilaspur and during the pendency of the appeal if the stay is not granted in a particular case, it may lead to multiplicity of the proceedings and once the appeal is admitted then in such case the stay petition ought to have been allowed.

5. In the given facts of this case since the original civil suit which was filed in 2012 and considerable time has passed till date to settle the lis, I do not find it proper to keep this petition pending instead it is directed that the Additional Commissioner, Bilaspur shall adjudicate the appeal bearing No.99A-6/2020-21 Village Dharamjaigarh within a reasonable time and in the meanwhile, the status quo in respect of the property about the mutation of the name shall be maintained till the appeal is finally adjudicated.
6. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu