

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 4546 of 2021

1. Suraj S/o Prem Sai Aged About 60 Years
2. Ramniwas S/o Prem Sai Aged About 56 Years
3. Pintu S/o Motuk Aged About 30 Years

All above are R/o Village Jhargawa, Tahsil Batauli District Surguja Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary, Revenue Department, Mantralaya, Mahanadi Bhawan, Capital Complex, Nawa Raipur District Raipur Chhattisgarh
2. Commissioner Surguja Division, Ambikapur District Surguja Chhattisgarh
3. Sub Divisional Officer Sitapur District Surguja Chhattisgarh
4. Mungal S/o Kenda Aged About 70 Years
5. Manijar S/o Kenda Aged About 65 Years
6. Budhram S/o Kenda Aged About 60 Years
7. Shival S/o Daouli Aged About 60 Years

Respondents No. 4 to 7 are R/o Village Darridih, Police Station And Tahsil Lundra, District Surguja Chhattisgarh

---- Respondents

For Petitioners : Shri Anurag Singh, Advocate

For Respondent/ State : Shri Rahul Jha, G. A.

Hon'ble Shri Rajendra Chandra Singh Samant

Order on Board

12.11.2021

Heard

1. Learned counsel for the petitioners submit that father of the petitioner purchased land in question from vendor Bhukhal, son of Late Manhar by

registered sale deed dated 24.01.1968 (Annexure P-2). Subsequent to purchase, the revenue records were also mutated accordingly. About after delay of 50 years the private respondents who are successor of the brother of Vendor namely Bhukhal have raised objection on the mutation and filed appeal before respondent No. 3 which was allowed by order dated 02.07.2021(Annexure P-6) and the mutation in favour of the petitioners was cancelled. Thereafter, the petitioners have challenged the said order before respondent No. 2 in second appeal. Respondent No. 2 has rejected the prayer of the petitioners for grant of interim relief to maintain the status quo during the pendency of the appeal, hence this petition.

2. Learned State counsel representing respondents No. 1, 2 & 3 submits that no error has been committed in the orders passed, however the petition may be disposed off with direction to Respondent No. 2.
3. Perused the documents filed along with the petition and considered the submissions made.
4. Considering that in case no interim order has been granted, then the purpose of filing of appeal would be frustrated. Hence the petition is disposed off at the motion stage and it is ordered that the effect and operation of order dated 02.07.2021 passed by respondent No. 3 shall remain stayed untill the final disposal of the appeal pending before respondent No. 2. Respondent No. 2 is also directed to decide the appeal filed by the petitioner at the earliest.
5. With the aforesaid observations, the present writ petition stands disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge