

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 419 of 2021**

Gram Panchayat, Bairakh, Vikas Khand – Bodla, Tehsil – Bodla, District– Kabirdham, through it's panch – Shyamlal Masrama, Aged About – 30 Years, S/o Shri Charan Singh Masram, R/o – Ward No. 1, N.H. 12A, School Para, Bairakh, Vikash Khand – Bodla, Tehsil – Bodla, District Kabirdham (C.G.)

---- Appellant**Versus**

1. The State of Chhattisgarh, Through The Secretary, Urban & Rural Development Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, Tahsil & District – Raipur (C.G.)
2. The Collector, Kabirdham, District Kabirdham (C.G.)
3. Sub Divisional Officer, Tehsil – Bodla, District – Kabirdham (C.G.)
4. Delhuraam, S/o – Sukalu Rawat, Aged About 52 Years, R/o Gram Panchayat, Bairakh, Vikas Khand – Bodla, Tehsil – Bodla, District Kabirdham (C.G.)

---- Respondents

(Cause-title taken from Case Information System)

For Appellant	:	Mr. Harshwardhan Parganiha, Advocate.
For Respondents	:	Mr. Siddharth Dubey, Deputy Government Advocate.

Hon'ble Shri Arup Kumar Goswami, Chief Justice

Hon'ble Shri Justice N.K. Chandravanshi, Judge

Judgment on Board

Per Arup Kumar Goswami, Chief Justice

07.12.2021

Heard Mr. Harshwardhan Parganiha, learned counsel for the appellant. Also heard Mr. Siddharth Dubey, learned Deputy Government Advocate appearing for respondents No. 1 to 3.

2. This writ appeal is presented against the order dated 23.08.2021 passed by the learned Single Judge in Writ Petition (C) No. 3394 of 2021, whereby, the writ petition was dismissed.

3. Writ petition was filed by the Gram Panchayat of Bairakh stating that the land bearing Patwari Halka No. 16, Khasra No. 296/1 admeasuring about 0.786 known as 'Nistaar Land', which is reserved for Cow Shelter, was mutated in favour of the respondent No. 4 by an order of Tehsildar, Kawardha.

4. Though the year in which such mutation was recorded is not part of the pleadings, page 22(A) of the petition goes to show that the lease was granted by an order dated 29.11.1988 in Revenue Proceeding Case No. 53A/19(1).

5. The land referred thereto is Khasra No. 295 and 296 and not Khasra No. 296/1.

6. It is pleaded that the Tehsildar passed the order of mutation without any prior consent / permission from the Gram Sabha. Which provision requires permission of the Gram Sabha, is, however, not indicated.

7. Learned Single Judge was not inclined to go into the factual dispute in

view of long delay of 30 years in raising the issue.

8. In view of the facts and circumstances of the case, we see no good ground to take a view different than the one taken by the learned Single Judge. The appellant, however, may seek such remedy as may be available in law, if so advised.

9. Accordingly, writ appeal is dismissed. No cost.

Sd/-
(Arup Kumar Goswami)
Chief Justice

Sd/-
(N.K. Chandravanshi)
Judge