

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 5360 of 2021**

Fanindra Singh S/o Shri Narayan Singh, Aged About 73 Years, R/o Village - Karhi, Tahsil - Jaijaipur, District Janjgir - Champa, At Present - Civil Lines, Darogapara, Raigarh, Tahsil And District Raigarh, Civil And Revenue District Raigarh, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Collector, Raigarh, District Raigarh Chhattisgarh
2. The Commissioner, Bilaspur Division Bilaspur, District Bilaspur Chhattisgarh
3. The Sub Divisional Officer, (Revenue), Sakti, District Janjgir – Champa, Chhattisgarh
4. The Nayab Tahsildar, Hasod, District Janjgir Champa, Chhattisgarh.
5. Devendra Singh S/o Shri Manohar Singh, R/o Village - Karhi, Tahsil - Jaijaipur, District Janjgir - Champa, Chhattisgarh.
6. Kartikeshwar Singh S/o Shri Madho Singh, R/o Village - Karhi, Tahsil - Jaijaipur, District Janjgir - Champa, Chhattisgarh.
7. Gunwant Singh S/o Shri Narottam Singh, R/o Village - Karhi, Tahsil - Jaijaipur, District Janjgir – Champa, Chhattisgarh.
8. Satish S/o Shri Narottam Singh, R/o Village - Karhi, Tahsil - Jaijaipur, District Janjgir – Champa, Chhattisgarh.
9. Puyaya S/o Shri Narottam Singh, R/o Village - Karhi, Tahsil - Jaijaipur, District Janjgir - Champa Chhattisgarh.
10. Firan S/o Shri Narottam Singh, R/o Village - Karhi, Tahsil - Jaijaipur, District Janjgir – Champa, Chhattisgarh
11. Suman D/o Shri Narottam Singh, R/o Village - Karhi, Tahsil - Jaijaipur, District Janjgir - Champa
12. Renuka D/o Shri Narottam Singh, R/o Village - Karhi, Tahsil -

Jaijaipur, District Janjgir – Champa, Chhattisgarh.

13. Kamlesh S/o Shri Resham, R/o Village - Karhi, Tahsil - Jaijaipur - District Janjgir – Champa, Chhattisgarh.
14. Rekha D/o Shri Resham, R/o Village - Karhi, Tahsil - Jaijaipur, District Janjgir – Champa, Chhattisgarh.
15. Nileshwar S/o Shri Niranjana Singh, R/o Village - Karhi, Tahsil - Jaijaipur, District Janjgir – Champa, Chhattisgarh.
16. Asha Singh W/o Shri Dhan Singh, R/o Village - Karhi, Tahsil - Jaijaipur, District Janjgir – Champa, Chhattisgarh.

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For Petitioner	:	Mr. M. K. Sinha, Advocate
For State	:	Mr. Chandresh Shrivastava, Addl. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

21.12.2021

1. The petitioner in the present writ petition seems to be aggrieved by the order dated 01.12.2021 passed by the Commissioner, Bilaspur Division whereby the Commissioner, in the course of entertaining a revision petition in respect of a mutation proceeding initiated by the respondent no.4, has stayed the effect and operation of the order of the appellate authority dated 22.11.2021.
2. The dispute in the present writ petition is in respect of the property situated at Khasra No. 415/2 measuring 4.15 acres. The petitioner had moved an application before the respondent no.4 for mutation of the property in his name. The respondent no.4, after due inquiry, vide order dated 23.02.2021 passed an order of mutation in favour of the petitioner. The respondents 5 & 6 preferred an appeal before the SDO against the said order of mutation. The SDO vide order dated

22.11.2021 dismissed the appeal preferred by the respondents 5 & 6. Immediately upon the appeal being dismissed, the property stood mutated in the name of petitioner. Subsequently, the respondents 5 & 6 are said to have preferred a revision before the Commissioner assailing the order of mutation as also the rejection of the appeal by the SDO. The Revisional Authority i.e. the Commissioner admitted the revision petition and in the course deciding the application for interim relief vide order dated 01.12.2021 has stayed the effect and operation of the order passed by the appellate authority dated 22.11.2021. It is this granting of interim relief by the Commissioner on 01.12.2021 against which the petitioner is aggrieved of and the present writ petition has been filed.

3. The contention of petitioner is that once when the authorities have already mutated the property in the name of petitioner, there was no necessity for the Commissioner to have stayed the effect and operation of the order dated 22.11.2021 as the original order of mutation had been complied with by that time. Learned counsel for petitioner submits that by virtue of the interim relief granted by the Revisional Authority, the respondents 5 & 6 are trying to take advantage of the interim order and also trying to interfere with the disputed property.
4. Be that as it may, the fact that there was an order of mutation already passed by the respondent no.4 on 23.02.2021 which has been affirmed by the SDO in an appeal vide order dated 22.11.2021 and which has already been acted upon inasmuch as the name of petitioner gets mutated in the revenue records in respect of the said disputed property. Therefore, the impugned order passed by the

Revisional Authority on 01.12.2021 as such is not in any manner adverse to the interest of the petitioner as on date nor is the same in any manner detrimental to his claim as the order of the respondent no.4 stands acted upon in due course of time. Now any further relief that the respondents 5 & 6 could get is only upon the revision petition being finally decided. The granting of interim relief by the Commissioner as such is not going to affect the petitioner in any manner nor is going to benefit to the private respondents 5 & 6 equally.

5. Given the said facts, the writ petition as of now in the given factual matrix of the case stands disposed of, without any interference to the order dated 01.12.2021, directing the Revisional Authority i.e. the respondent no.2 to consider and decide the revision petition itself on its own merits in accordance with law, after giving a fair and reasonable opportunity of hearing to all the interested parties, at the earliest.
6. The writ petition accordingly stands disposed of.

**Sd/-
(P. Sam Koshy)
Judge**