CGHC010003442025 2026:CGHC:43109

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

RAVVA UTTEJ KUMAR RAJU
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Date: 2026.10.06 18:28:15 +0530

WPC No. 70 of 2025

Order Reserved on 27.07.2026

Order Passed on 06.10. 2026

1 - Rakesh Kumar S/o Shri Buchra Aged About 50 Years R/o Village Patgava, Tahsil Pendra District Gaurella Pendra Marvahi Chhattisgarh.

... Petitioner

Versus

1 - State Of Chhattisgarh Through Secretary, Revenue Department, Mantralaya, Atal Nagar, Naya Raipur Chhattisgarh.

2 - The Tahsildar Pendra, District Gaurella Pendra Marvahi Chhattisgarh.

3 - The Sub Divisional Officer (R), Pendraroad, District Gaurella Pendra Marvahi Chhattisgarh.

4 - The Additional Commissioner Bilaspur Division, District Bilaspur Chhattisgarh.

5 - Board Of Revenue Chhattisgarh At Bilaspur District Bilaspur Chhattisgarh.

6 - Dayachand Rathore S/o Dhanpatlal Rathore R/o Village Patgava, Tahsil Pendra District Gaurella Pendra Marvahi Chhattisgarh.

7 - Anil Kumar S/o Dhanpatlal Rathore R/o Village Patgava, Tahsil Pendra District Gaurella Pendra Marvahi Chhattisgarh.

... Respondents

(Cause title is downloaded from CIS Periphery.)

For Petitioner	:	Mr. Yogendra Chaturvedi, Advocate.
For State	:	Mr. S.S. Choubey, G.A.
For Respondent No. 6	:	Mr. Malay Shrivastava, Advocate.

Hon'ble Mr. Justice Amitendra Kishore Prasad

C.A.V. Order

1. The petitioner has preferred the present petition, being aggrieved by the order dated 18.04.2024 passed by the Board of Revenue, Bilaspur, Chhattisgarh, whereby the revision preferred by respondent Nos. 6 and 7 has been allowed and the matter has been remanded to the concerned Tehsildar for fresh consideration. In the present petition, the petitioner seeks the following reliefs:-

> "10.1 That, the Hon'ble Court may kindly be pleased to issue a writ or direction, set-aside the order dated 18.04.2024 passed by the respondent No. 5 and consequently order passed by the Tahsildar dated 18.09.2024 be held to illegal and against the settled principles of law and therefore same is also liable to be quashed.
>
> 10.2 That, the Hon'ble Court may further be pleased to restore the order dated 08.07.2020 passed by the respondent No. 2 as the same is based upon sound principles of law and well reasoned order.
>
> 10.3 That, the Hon'ble Court may further be pleased to stay the proceedings pending before the Tahsildar bearing case no. MD20245660316200011 and further direct the parties to maintain status quo with regard to possession over the suit land in question till final disposal of the case.

> 10.4 Any other relief which this Hon'ble Court may deems fit and proper looking to the facts and circumstances of the case may also be awarded to the petitioner including the cost and expenses of this petition. An affidavit in support of this petition is filed herewith."

2. The brief facts of the case, as stated by the petitioner, are that the petitioner submitted an application before the Tehsildar seeking mutation and recording of his name in respect of land bearing Khasra Nos. 35/1 and 447/2, admeasuring 0.64 acres and 0.32 acres, respectively, situated at Village Patgava, Tehsil Pendra, District Gaurella-Pendra-Marwahi, stating therein that the petitioner, along with respondent Nos. 6 and 7, had purchased the aforesaid land by way of a registered sale deed dated 15.07.1987; however, upon obtaining copies of the Khasra Panchsala and B-1, he came to know that his name had not been recorded in the revenue records and, therefore, submitted an application for recording his name therein. The concerned Tehsildar, after considering the matter, allowed the application and directed recording of the petitioner's name in the revenue records. Aggrieved by the said order, respondent Nos. 6 and 7 preferred an appeal before the concerned Sub-Divisional Officer (Revenue), which was dismissed, and thereafter preferred a second appeal before the Additional Commissioner, which was also dismissed. Being aggrieved by the aforesaid orders, respondent Nos. 6 and 7 preferred a revision before the Board of Revenue, which, vide the impugned order, allowed the revision and remanded the matter to

the Tehsildar for fresh consideration. It is the contention of the petitioner that the Board of Revenue has committed an error of law in remanding the matter on erroneous and misconceived grounds, as the order passed by the Tehsildar, as affirmed by the S.D.O. (Revenue) and the Additional Commissioner, was in accordance with law and did not warrant any interference. It is further contended that the Board of Revenue failed to appreciate the true and correct aspect of the matter and erroneously proceeded on the premise that the Civil Court had already passed a judgment and decree which was required to be taken into consideration, whereas the judgment and decree passed by the Civil Court did not adjudicate upon the issue involved in the present proceedings and, therefore, could not have been made the basis for remanding the matter to the Tehsildar. The petitioner further contends that the Revenue Court ought to have adjudicated the matter on merits instead of remanding the same for fresh consideration. Accordingly, it is submitted that the impugned order passed by the Board of Revenue remanding the matter to the Tehsildar is contrary to law and is liable to be set aside.

3. On the other hand, learned counsel appearing for the State as well as respondent Nos. 6 and 7 have submitted that the Board of Revenue has rightly allowed the revision and remanded the matter to the concerned Tehsildar for fresh consideration. It is contended that the Civil Court had already passed a judgment and

decree in respect of the subject matter, which was required to be duly considered and followed by the Tehsildar while adjudicating the application for mutation. Since the effect of the judgment and decree of the Civil Court was not duly considered by the Tehsildar, the Board of Revenue was justified in remanding the matter for fresh adjudication in accordance with law. It is, therefore, submitted that the impugned order does not suffer from any illegality or infirmity warranting interference by this Court.

4. Having heard learned counsel for the parties and upon perusal of the record, it is evident that Civil Suit bearing Registration No. 40-A/2013 was decided by the learned Civil Judge, Class-II, Marwahi, Pendra Road, District Bilaspur (C.G.), wherein a decree was passed against the petitioner. The learned Civil Court held that the petitioner had failed to establish his title over the suit lands bearing Khasra Nos. 35/1, 408/6, 442/2 and 447/2, admeasuring 0.259, 0.113, 0.117 and 0.129 hectares, respectively, aggregating to a total area of 0.618 hectares, situated at Village Patgava and Kudkai. The Civil Court further held that the petitioner was not entitled to a decree for partition in respect of the aforesaid lands.

5. In the decision rendered by this Court in **W.P. (Art. 227) No. 363 of 2014**, in the matter of ***Mangalu Sahu and Another v. The Board of Revenue and Others***, this Court, while considering the relevant issue, held in paragraphs 4, 5, 6 and 7 as under:-

“**4**.Undisputedly, sub-section (3) has been inserted in Section 49 of the Code with effect from 23-11-2002 providing that the appellate authority shall not remand the case for disposal by any Revenue Officer subordinate to it. In the instant case, the Sub-Divisional Officer remanded the case by order dated 17-11-2005 to the Naib Tahsildar and the Naib Tahsildar again by order dated 30-12-2006 rejected the application of respondent No.6 herein and held that the name of Sukhram is not entitled to be mutated in the revenue records.

5. At this juncture, it would be appropriate to notice that the order dated 17-11-2005 was not challenged by the petitioners before any higher forum by way of appeal or revision and the petitioners appeared and contested the application before the Naib Tahsildar on remand and ultimately, the Naib Tahsildar rejected the application of Sukhram which was in favour of the petitioners. Even thereafter, the order of the Naib Tahsildar was affirmed by the Sub-Divisional Officer by dismissing the appeal. The petitioners did not have any grievance that the Sub-Divisional Officer had no power of remand. When the Additional Commissioner by order dated 16-10-2012 held that the decree of the civil court that has been passed at the instance of civil suit

filed by the petitioners is binding between the parties, then only, in a revision preferred against that order, for the first time, before the Board of Revenue, the petitioners have raised plea that the appellate authority has no jurisdiction to remand the matter which is wholly untenable in view of the fact that the petitioners willingly accepted the order dated 17-11-2005 and contested the application before the Naib Tahsildar, and even the order was passed in their favour and thereafter, again that order was affirmed in appeal by the Sub-Divisional Officer on 21-10-2008 as such, the petitioners having acquiesced to the proceeding and having got favourable order did not challenge the said order remanding to a lower revenue authority, before the appropriate forum within the stipulated time period and when the Additional Commissioner held that the decree of civil court is binding then only the petitioners have raised such plea which is nothing but the petitioners taking somersault to get the order of the Additional Commissioner set aside which cannot be permitted, as the petitioners are bound by that order and such a plea is not available, at this stage, to the petitioners.

7. At this stage, it would be appropriate to notice the binding observations of a Division Bench of the High

Court of Madhya Pradesh in the matter of Ambika Prasad Bakshi and another v. Onkar Prasad Saini and others[1] in which Their Lordships have held that revenue courts are bound by the decision of the civil courts and should order mutation of the names, and observed as under:-

6. Turning back to the next plea raised by the petitioners that appeal against the judgment and decree passed by the civil court is pending before the first appellate court, it is well settled law that decree of civil court is binding upon the revenue courts, as rights and title is decided by the civil court. In this case, the civil court had already decided the rights and title of the petitioners and the Additional Commissioner had simply held that decision of the civil court between the parties is binding on the revenue court.

> "17. ….. Suffice it to say that the jurisdiction of a Civil Court is superior to the Revenue Courts and whatever is decided by the Civil Court is the final decision and Tahsildar is bound to make a mutation on the basis of a valid order of the Civil Court. Where a judgment of the Civil Court relating to disputed land is produced before the Revenue Court, the Revenue Court is bound by it and should order mutation according to the decree of the Civil Court. When there was definite finding of the Civil Court that the respondents have become Bhumiswamis of the suit land, the Revenue Courts had no jurisdiction to enquire regarding the rights of

1 AIR 2005 MP 60

> the respondents after coming into force of M.P. Land Revenue Code, 1959."

6. In light of the aforesaid judgment and in the present case also, it is well settled that a judgment and decree passed by a competent Civil Court is binding upon the Revenue Authorities and, therefore, the same was required to be duly taken into consideration by the concerned Tehsildar while deciding the petitioner's application for mutation. However, it appears that the effect and consequence of the aforesaid judgment and decree were not duly considered either by the Tehsildar or by the S.D.O. (Revenue) or the Additional Commissioner. In such circumstances, the Board of Revenue was justified in remanding the matter to the concerned Tehsildar with a direction to consider and comply the judgment and decree passed by the Civil Court, after affording adequate opportunity of hearing to all the concerned parties, and thereafter to bring the revenue records in conformity with the said judgment and decree in accordance with law. The impugned order passed by the Board of Revenue, therefore, does not suffer from any illegality, arbitrariness or perversity warranting interference by this Court. So far as the contention of the petitioner that the Revenue Authorities have no power to remand the matter is concerned, the same is misconceived. The restriction contemplated under Sections 44(1) and 44(2) of the Chhattisgarh Land Revenue Code Act, 1959 operates in respect of appellate authorities, which are required to decide the matter on merits rather than remand the

same. In the present case, the order of remand has been passed by the revisional authority, namely, the Board of Revenue, and not by an appellate authority. Accordingly, the aforesaid statutory restriction would not operate against the order of remand passed by the Board of Revenue. The said contention of the petitioner, therefore, does not merit acceptance. Consequently, the order passed by the Board of Revenue remanding the matter to the Tehsildar for fresh consideration in accordance with the judgment and decree of the Civil Court cannot be said to be illegal or contrary to law so as to warrant interference by this Court.

7. Accordingly, the petition, being devoid of merit, is liable to be and is hereby **dismissed.**

Sd/-

(Amitendra Kishore Prasad)

Judge

U.K. Raju

The date when the judgment is reserved	**The date when the judgment is pronounced**	**The date when the judgment is uploaded on the website**	
		Operative	Full
27.07.2026	06.10.2026.	--	06.10.2026