CGHC010214652026 2026:CGHC:44299

RAGHVENDRA JAT Digitally signed by RAGHVENDRA JAT

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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 2765 of 2026

1 - Reshamlal Diwakar S/o Late Itwari Aged About 51 Years R/o Village Tribuwanpur Tahsil Pathariya District Mungeli C.G.

2 - Ramesh Kumar Diwakar S/o Late Itwari Aged About 41 Years R/o Village Tribuwanpur Tahsil Pathariya District Mungeli C.G.

... Petitioner(s)

versus

1 - Kishan Kumar Diwakar S/o Late Sitram Aged About 33 Years R/o Village Tribuwanpur Tahsil Pathariya District Mungeli C.G.

2 - Jitan Kumar S/o Late Sitaram Aged About 31 Years R/o Village Tribuwanpur Tahsil Pathariya District Mungeli C.G.

3 - Jeetu S/o Late Sitaram Aged About 29 Years R/o Village Tribuwanpur Tahsil Pathariya District Mungeli C.G.

4 - Pramila D/o Late Sitaram Aged About 36 Years R/o Village Tribuwanpur Tahsil Pathariya District Mungeli C.G.

5 - Savitri D/o Late Sitaram Aged About 32 Years R/o Village Tribuwanpur Tahsil Pathariya District Mungeli C.G.

6 - Anita W/o Late Sitaram Aged About 55 Years R/o Village Tribuwanpur Tahsil Pathariya District Mungeli C.G.

7 - Sate Of Chhattisgarh Through Collector Mungeli Tahsil And District Mungeli C.G.

8 - Tahsildar Pathariya District Mungeli C.G.

... Respondent(s)

For Petitioner(s)	:	Mr. Ankur Diwan, Advocate.
For Respondent(s) No. 1, 4 & 6	:	Mr. Bharat Rajput, Advocate.
For Respondent/State	:	Dr. Arham Siddiqu, Panel Lawyer.

Hon’ble Mr. Justice Amitendra Kishore Prasad

Order on Board

13/10/2026

1. By way of this petition, the petitioner has prayed for following reliefs:-

“10.1 It is therefore prayed that, this Hon'ble Court may kindly pleased to issue writ/order/directions quash the proceedings of the Tahsildar, Pathariya under section 115 of the CGLRC 1959 in Revenue Case No. 202604250900002/A-6/2025-2026 with respect to the suit property, in the interest of justice.

10.2 Any other relief/reliefs, which this Hon'ble Court may think fit and proper in the facts and circumstances of the case, may also please be granted to the petitioner.”

2. Learned counsel for the petitioner submits that this petition has been filed for quashing the proceedings pending before the concerned Tahsildar on the ground that the issue of title is pending consideration before the concerned Civil Court. As such, the concerned Tahsildar does not have the authority either to mutate the names in the revenue records or to pass any orders regarding partition. Therefore, the proceedings pending consideration before the concerned Tahsildar are required to be quashed in view of the pendency of the civil suit before the concerned Civil Court.

3. None appears on behalf of respondents No. 2, 3 and 5, despite service of notice.

4. Learned counsel for respondents No. 1, 4 and 6 submits that the proceedings before the concerned Tahsildar were initiated prior to the institution of the civil suit and, as such, the concerned Tahsildar has the authority to pass appropriate orders in accordance with law, which the Tahsildar is doing. However, he has not disputed the fact that a civil suit seeking a declaration of title and permanent injunction, as well as a declaration that the revenue proceedings relating to partition are not in accordance with law, on the ground that the respondents have no right to seek partition of the property described in Schedule A, is already pending before the concerned Civil Court.

5. Learned counsel for the State submits that the mutation

proceedings and the civil suit are entirely different in nature and that the concerned Tahsildar is not deciding any issue relating to title.

6. Having heard learned counsel for the parties and having perused the material available on record, it appears that the dispute regarding title, partition and permanent injunction is pending before the concerned Civil Court. As such, the concerned Tahsildar ought not to have proceeded further with the proceedings and should have awaited the decision of the concerned Civil Court. Accordingly, at this stage, the proceedings initiated before the concerned Tahsildar, Pathariya, District Mungeli, are not required to be continued and are hereby quashed. However, after the decision in the civil suit, the parties shall be at liberty to file an appropriate application before the concerned Tahsildar, who shall decide the same in accordance with law and in the light of the decision rendered by the Civil Court, as the judgments and orders passed by the Civil Courts are binding on the Revenue Courts. Since the petitioner has already filed an application under Order 39 Rules 1 and 2 of the Code of Civil Procedure before the concerned Civil Court, the petitioner may pursue the remedy available before the said Court.

7. With the aforesaid observations and directions, the writ petition is **disposed of.**

8. The interim application filed in the matter is also disposed of, as

the writ petition itself has been decided by this Court.

Sd/-

(Amitendra Kishore Prasad)
Judge

Raghu Jat