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CGHC010236372024 2026:CGHC:45285

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 3614 of 2024

Plashidas S/o Late Gabrail Aged About 75 Years Cast Uranw R/o Village Jambahar, Tahsil Farsabahar, District Jashpur (C.G.)

... Petitioner

versus

1 - State Of Chhattisgarh Through The Collector District Jashpur (C.G.)
2 - The Tahsildar Tahsil Farsabahar, District Jashpur (C.G.)
3 - Sub Divisional Officer (R) Farsabahar, District Jashpur (C.G.)
4 - Commissioner Sarguja Division, Ambikapur (C.G.)
5 - Chhattisgarh Revenue Board Bilaspur District Bilaspur (C.G.)
6 - Khisthofer S/o Somra, Age 67 Years, Cast Uranw R/o Village Jambahar, Tahsil Farsabahar, District Jashpur (C.G.)
7 - Makshi William S/o Somra, Age 57 Years, Cast Uranw R/o Village Jambahar, Tahsil Farsabahar, District Jashpur (C.G.)

... Respondents

(Cause-title taken from Case Information System)

For Petitioner	**:**	Mr. Barun Kumar Chakrabarty, Advocate
For State/Respondents No.1 to 4	**:**	Mr. Anmol Sharma, Panel Lawyer
For Respondents No.6 & 7	**:**	Mr. Harish Khuntiya, Advocate

Hon'ble Shri Amitendra Kishore Prasad, Judge

Order on Board

27.10.2026

1. By filing the present writ petition, the petitioner assails the order dated 19.06.2024 passed by the learned Board of Revenue, Chhattisgarh, Bilaspur, whereby the order dated 12.10.2021 passed by the Commissioner, Surguja Division, Ambikapur, setting

aside the order dated 03.09.2020 passed by the Sub-Divisional Officer (Revenue), Farasbahar, District Jashpur, was set aside and the orders dated 03.09.2020 passed by the Sub-Divisional Officer (Revenue) and 02.07.2019 passed by the Tehsildar, Farasbahar, were maintained. The petitioner seeks quashing of the impugned order dated 19.06.2024 and a direction to the concerned revenue authorities to record his name in the revenue records in respect of the subject land. The petitioner has prayed for following relief(s) :-

> *"10.1 That the Hon'ble Court may kindly be pleased to issue a writ in the nature of CERTIORARI by quashing the order dated 19.06.2024 passed by learned. Respondent No.,5 i.e. (Annexure P-1.) and confirm the order dated 12.10.2021 passed by the learned court of Commissioner Sarguja Division (Ambikapur) C.G.*
>
> *10.2 That Hon'ble court may please to direct to the respondent No. 2 i.e. the Tahsildar Tahsil Farsabahar District Jashpur (C.G. to get the petitioner's name registered on the suit land.*
>
> *10.3 That any other relief which this Hon'ble Court deems fit and proper under the facts and circumstances of the case may kindly be awarded in favour of the petitioner.*"

2. The brief facts of the case, in a nutshell, are that the land situated at Village Jambahar, Patwari Halka No. 10, Revenue Board Tapkara, Tehsil Farasbahar, District Jashpur, comprising 11

Khasra numbers and admeasuring a total area of 2.923 hectares (hereinafter referred to as the "subject land"), was recorded jointly in the names of Beronika, widow of Choto, and Khisthofer and Makshi William, sons of Somra. According to the petitioner, the subject land is ancestral property and the legal heirs of Aganu, namely, Choto, Somra and Gabrail, had equal rights therein. Beronika, the wife of Choto, was recorded in the revenue records in the year 1984. Upon her death, which occurred without any children, respondent No. 6, Christopher, approached the revenue authorities seeking mutation of his name in respect of the subject land on the basis of an alleged agreement/Iqrarnama executed by the deceased Veronica. The petitioner, being the son of late Gabrail and claiming to be one of the legal heirs entitled to succeed to the share of the deceased, filed an objection on 29.08.2019, contending that the subject land could not be mutated exclusively in favour of the respondents without determining the lawful heirs of the deceased and examining their respective rights. The petitioner further relied upon the genealogy prepared by the Halka Patwari on 02.10.2019 in support of his claim.

3. The Tehsildar, Farasbahar, however, rejected the petitioner's objection and directed deletion of the name of the deceased Veronica from the revenue records while maintaining the names of the respondents in respect of the subject land. Aggrieved thereby, the petitioner preferred an appeal before the Sub-Divisional Officer (Revenue), Farasbahar, which was dismissed by order dated

03.09.2020. Thereafter, the Commissioner, Surguja Division, Ambikapur, by order dated 12.10.2021, set aside the order passed by the Sub-Divisional Officer, holding that the order dated 03.09.2020 was not in accordance with law and procedure. However, the Board of Revenue, Chhattisgarh, Bilaspur, by the impugned order dated 19.06.2024, set aside the order passed by the Commissioner and restored the orders passed by the subordinate revenue authorities. Aggrieved by the aforesaid order, the petitioner has approached this Court, contending that the revenue authorities failed to undertake a proper inquiry into the claim of succession, the nature and validity of the alleged Iqrarnama, and the respective rights of the parties over the subject land.

4. Mr. Barun Kumar Chakrabarty, learned counsel appearing for the petitioner, submits that the impugned order dated 19.06.2024 passed by the learned Board of Revenue is contrary to law, inasmuch as the learned Board of Revenue has erroneously set aside the order dated 12.10.2021 passed by the Commissioner, Surguja Division, without properly appreciating the factual and legal aspects involved in the matter. He submits that the subject land is ancestral property and that the rights of the legal heirs of Aganu ought to have been duly considered before directing mutation in favour of the private respondents. Learned counsel further submits that the deceased Beronika died issueless and, therefore, the revenue authorities were required to conduct a

proper inquiry into the question of succession and ascertain the persons legally entitled to succeed to her share in accordance with law. However, the petitioner's objection was rejected without affording him an effective opportunity of hearing and without properly examining the genealogy submitted by the Halka Patwari on 02.10.2019. He contends that the impugned orders have been passed without adequately considering the petitioner's claim as a legal heir and without recording satisfactory findings regarding the respective rights of the parties.

5. Learned counsel for the petitioner further submits that respondent Nos. 6 and 7 claim rights over the subject land on the basis of an alleged Iqrarnama/will purportedly executed by the deceased Veronica, the genuineness and validity of which have been specifically disputed by the petitioner. According to learned counsel, the said document is forged and could not have been relied upon by the revenue authorities without first examining its authenticity and legal effect. He submits that the revenue authorities have neither conducted any proper inquiry into the execution and validity of the alleged will nor determined whether the document could lawfully confer any right upon respondent Nos. 6 and 7 in respect of the subject land. It is further contended that the mere production of an alleged Iqrarnama or will cannot, by itself, establish title to immovable property, particularly when its execution and genuineness are seriously disputed. Learned counsel also submits that the alleged document, stated to have

been executed for a consideration of Rs. 5/-, cannot be treated as a valid instrument of relinquishment of rights in immovable property in the absence of compliance with the applicable legal requirements. He, therefore, contends that the revenue authorities ought not to have directed or maintained mutation in favour of respondent Nos. 6 and 7 solely on the basis of the disputed document, without first examining its legal effect and the rival claims of succession. On these grounds, learned counsel submits that the impugned order passed by the Board of Revenue is unsustainable in law and deserves to be set aside.

6. Per contra, Mr. Anmol Sharma, learned Panel Lawyer appearing for the State/respondent Nos. 1 to 4, submits that the impugned order passed by the learned Board of Revenue, Chhattisgarh, Bilaspur, does not suffer from any illegality or infirmity warranting interference by this Court in exercise of its writ jurisdiction under Articles 226 and 227 of the Constitution of India. He submits that the concerned revenue authorities have passed the impugned orders while exercising their respective quasi-judicial powers under the provisions of the applicable Acts and Rules, after considering the material available on record. He further submits that the petitioner has failed to establish any violation of his legal or fundamental rights or any procedural illegality in the decision-making process of the revenue authorities. Therefore, in the absence of any jurisdictional error or perversity in the impugned order, no interference by this Court is warranted.

7. Learned State counsel further submits that the petitioner has failed to make out any cogent ground to demonstrate that the impugned order passed by the learned Board of Revenue suffers from any error of law or fact. He contends that the petitioner's grievance essentially relates to the determination of rights over the subject land and the mutation proceedings undertaken by the revenue authorities on the basis of the documents produced before them. The petitioner has not established any ground warranting exercise of the extraordinary jurisdiction of this Court against the impugned order passed by the competent quasi-judicial authority. Accordingly, learned State counsel submits that the writ petition is devoid of merit and deserves to be dismissed.

8. Learned counsel for respondent Nos. 6 and 7, Mr. Harish Khuntiya, submits that the document/will executed by the deceased Beronika in favour of respondent Nos. 6 and 7 was duly considered and examined by the concerned revenue authorities, and the mutation proceedings were undertaken on the basis of the said document in accordance with law. He further submits that the names of respondent Nos. 6 and 7 had been recorded in the revenue records as co-owners during the lifetime of Beronika and the said mutation order was never challenged by the petitioner. Therefore, the learned Board of Revenue has rightly set aside the order passed by the Commissioner, Surguja Division, and restored the orders passed by the Tahsildar and the Sub-Divisional Officer

(Revenue). Accordingly, the impugned order does not warrant any interference by this Court.

9. I have heard learned counsel for the parties and perused the material available on record.

10. Considering the nature of the dispute involved in the present case, it is apparent that the controversy primarily relates to the rival claims of the parties over the subject land, particularly the rights claimed by respondent Nos. 6 and 7 on the basis of the alleged will/Iqrarnama said to have been executed by the deceased Beronika. The petitioner has disputed the genuineness and legal validity of the said document and has asserted his claim on the basis of succession. Thus, the dispute involves questions relating to the genuineness, validity and legal effect of the alleged will/Iqrarnama and the consequential rights of the parties over the subject land. Such disputed questions of title and the validity of a will cannot be conclusively adjudicated by the revenue authorities in mutation proceedings and fall within the domain of the competent civil Court. The revenue authorities are primarily concerned with maintaining revenue records for fiscal purposes and cannot adjudicate complicated questions of title on the basis of a disputed testamentary instrument.

11. In this regard, it would be apposite to refer to the decision of the Hon'ble Supreme Court in ***Jitendra Singh v. State of Madhya Pradesh and others***, ***2021 SCC OnLine SC 802***, wherein the

Hon'ble Supreme Court, while considering the question of mutation of revenue records on the basis of a disputed will, reiterated the settled legal position that mutation entries neither confer nor extinguish title to the property and that a person claiming rights on the basis of a will must establish such rights before the competent civil Court. In paragraphs 6 to 9 of the said judgment, the Hon'ble Supreme Court has observed as follows:

> *"6. It is not in dispute that the dispute is with respect to mutation entry in the revenue records. The petitioner herein submitted an application to mutate his name on the basis of the alleged will dated 20.05.1998 executed by Smt. Ananti Bai. Even, according to the petitioner also, Smt. Ananti Bai died on 27.08.2011. From the record, it emerges that the application before the Nayab Tehsildar was made on 9.8.2011, i.e., before the death of Smt. Ananti Bai. It cannot be disputed that the right on the basis of the will can be claimed only after the death of the executant of the will. Even the will itself has been disputed. Be that as it may, as per the settled proposition of law, mutation entry does not confer any right, title or interest in favour of the person and the mutation entry in the revenue record is only for the fiscal purpose. As per the settled proposition of law, if there is any dispute with respect to the title and more particularly when the mutation entry is sought to be made on the basis of the will, the party*

who is claiming title/right on the basis of the will has to approach the appropriate civil court/court and get his rights crystalised and only thereafter on the basis of the decision before the civil court necessary mutation entry can be made.

7. Right from 1997, the law is very clear. In the case of Balwant Singh v. Daulat Singh (D) By Lrs., reported in (1997) 7 SCC 137, this Court had an occasion to consider the effect of mutation and it is observed and held that mutation of property in revenue records neither creates nor extinguishes title to the property nor has it any presumptive value on title. Such entries are relevant only for the purpose of collecting land revenue. Similar view has been expressed in the series of decisions thereafter.

8. In the case of Suraj Bhan v. Financial Commissioner, (2007) 6 SCC 186, it is observed and held by this Court that an entry in revenue records does not confer title on a person whose name appears in record-of-rights. Entries in the revenue records or jamabandi have only 'fiscal purpose', i.e., payment of land revenue, and no ownership is conferred on the basis of such entries. It is further observed that so far as the title of the property is concerned, it can only be decided by a competent civil court. Similar view has been expressed in the cases of Suman Verma v. Union of India, (2004) 12 SCC 58;

Fagruddin v. Tajuddin, (2008) 8 SCC 12; Rajinder Singh v. State of J&K, (2008) 9 SCC 368; Municipal Corporation, Aurangabad v. State of Maharashtra, (2015) 16 SCC 689; T. Ravi v. B. Chinna Narasimha, (2017) 7 SCC 342; Bhimabai Mahadeo Kambekar v. Arthur Import & Export Co., (2019) 3 SCC 191; Prahlad Pradhan v. Sonu Kumhar, (2019) 10 SCC 259; and Ajit Kaur v. Darshan Singh, (2019) 13 SCC 70.

9. In view of the above settled proposition of law laid down by this Court, it cannot be said that the High Court has committed any error in setting aside the order passed by the revenue authorities directing to mutate the name of the petitioner herein in the revenue records on the basis of the alleged will dated 20.05.1998 and relegating the petitioner to approach the appropriate court to crystalise his rights on the basis of the alleged will dated 20.05.1998. We are in complete agreement with the view taken by the High Court."

12. Reverting to the facts of the present case in the light of the law laid down by the Hon'ble Supreme Court in ***Jitendra Singh*** (supra), it is apparent that the controversy concerning the rights claimed by respondent Nos. 6 and 7 on the basis of the alleged will/Iqrarnama could not have been conclusively determined in mutation proceedings, particularly when the petitioner has disputed the genuineness and legal effect of the said document. The fact that the names of respondent Nos. 6 and 7 had been recorded in the

revenue records during the lifetime of Beronika, and that the said mutation entry was not challenged by the petitioner, cannot, by itself, conclusively establish their title over the subject land or determine the legal effect of the alleged will/Iqrarnama. A mutation entry is intended for fiscal purposes and cannot substitute an adjudication of title by a competent civil Court. The learned Board of Revenue, while setting aside the order passed by the Commissioner, appears to have placed undue emphasis on the existing revenue entries without adequately considering the distinction between mutation proceedings and adjudication of disputed rights over immovable property. In the circumstances, the proper course would be to leave the parties to establish their respective rights before the competent civil Court and thereafter seek consequential changes in the revenue records in accordance with law.

13. There is one more aspect to be considered, namely, that an unregistered agreement is not a valid document of relinquishment or conveyance. As such, mutation on the basis of title cannot be effected on the strength of the said document, even if the same is taken into consideration.

14. Considering the matter in its entirety and having regard to the settled legal position, this Court is of the considered opinion that the order dated 19.06.2024 passed by the learned Board of Revenue, Chhattisgarh, Bilaspur, cannot be sustained in law.

Accordingly, the writ petition is **allowed**. The impugned order dated 19.06.2024 passed by the learned Board of Revenue is hereby set aside, and the order dated 12.10.2021 passed by the Commissioner, Surguja Division, Ambikapur, is confirmed. The parties claiming rights on the basis of the alleged will/Iqrarnama shall be at liberty to approach the competent civil Court for adjudication of the genuineness, validity and legal effect of the said document and for declaration of their respective rights over the subject land, in accordance with law. Upon such adjudication, the concerned revenue authorities shall undertake consequential proceedings for mutation in accordance with the decision of the competent civil Court and the applicable law.

15. It is made clear that this Court has not expressed any opinion on the genuineness or validity of the alleged will/Iqrarnama or on the merits of the rival claims of title over the subject land. All such questions are left open to be decided by the competent civil Court in appropriate proceedings, uninfluenced by any observation made herein.

16. There shall be no order as to costs.

Sd/-

(Amitendra Kishore Prasad)
Judge

Yogesh