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CGHC010239122023 2026:CGHC:44484

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 3341 of 2023

1 - Sheikh Mohammad Sadir S/o Sheikh Mohammad Hussaini Aged About 61 Years R/o Village Gumga, Tehsil Udaipur, District Sarguja (C.G.)

2 - Ansari @ Akhtari Khatun W/o Shri Ishaque Aged About 44 Years R/o Village Gumga, Tehsil Udaipur, District Sarguja (C.G.)

... Petitioners

versus

1 - State Of Chhattisgarh Through Secretary, Department Of Revenue And Disaster Management, Mahanadi Bhawan, Mantralaya, Naya Raipur, District : Raipur, Chhattisgarh

2 - Chhattisgarh Board Of Revenue Through Its Secretary, Bilaspur, District : Bilaspur, Chhattisgarh

3 - Commissioner Sarguja Division, Ambikapur, District Sarguja (C.G.)

4 - Sub-Divisional Officer (Revenue) Udaipur, District Sarguja (C.G.)

5 - Tehsildar Udaipur, District Sarguja (C.G.)

6 - Bansgopal (Died And Deleted Through Lrs) As Per Honble Court Order Dated 01.08.2023 And 26.09.2026

6.1 - Jamwanti Yadav W/o Late Bansgopal Yadav Aged About 45 Years Resident Of Village Gumga, Tahsil Udaipur, District Surguja (C.G.)

6.2 - Krishna Yadav S/o Late Bansgopal Yadav Aged About 27 Years Resident Of Village Gumga, Tahsil Udaipur, District Surguja (C.G.)

6.3 - Sachin Yadav S/o Late Bansgopal Yadav Aged About 25 Years Resident Of Village Gumga, Tahsil Udaipur, District Surguja (C.G.)

7 - Sant Kumar S/o Late Shri Dukhiram R/o Village Gumga, Tehsil Udaipur, District Sarguja (C.G.)

8 - Lalit Kumar S/o Late Shri Dukhiram R/o Village Gumga, Tehsil Udaipur, District Sarguja (C.G.)

9 - Shanti Yadav W/o Late Shri Dukhiram R/o Village Gumga, Tehsil Udaipur, District Sarguja (C.G.)

10 - Keshwari Bai D/o Late Shri Dukhiram, W/o Shri Bal Bhagwan R/o Village Nagadand, Tehsil Kamleshwarpur, District Sarguja (C.G.)

11 - Urmila D/o Neelkanth Aged About 52 Years R/o Village Laxmangarh, Tehsil Udaipur, District Sarguja (C.G.)

12 - Indra Kumari D/o Late Shri Shivnath Prasad Jaiswal Aged About 52 Years R/o Village Gumga, Tehsil Udaipur, District Sarguja (C.G.)

13 - Pawan Kumar S/o Shri Khajanchimal Aged About 39 Years R/o Village Gumga, Tehsil Udaipur, District Sarguja (C.G.)

14 - Rostam Kumar S/o Shri Khajanchimal Aged About 40 Years R/o Village Gumga, Tehsil Udaipur, District Sarguja (C.G.)

15 - Ramashankar S/o Late Shri Gajropan Aged About 56 Years R/o Village Udaipur, Tehsil Udaipur, District Sarguja (C.G.)

16 - Umashankar S/o Late Shri Gajropan Aged About 54 Years R/o Village Udaipur, Tehsil Udaipur, District Sarguja (C.G.)

17 - Kunj Bihari S/o Late Shri Gajropan Aged About 52 Years R/o Village Udaipur, Tehsil Udaipur, District Sarguja (C.G.)

18 - Sanjay Kumar S/o Late Shri Gajropan Aged About 52 Years R/o Village Udaipur, Tehsil Udaipur, District Sarguja (C.G.)

19 - Mu. Kunti Devi W/o Late Shri Gajropan Aged About 76 Years R/o Village Udaipur, Tehsil Udaipur, District Sarguja (C.G.)

... Respondents

(Cause-title taken from Case Information System)

For Petitioners	**:**	Mr. Surfaraj Khan, Advocate
For State	**:**	Mr. Akhilesh Kumar, Government Advocate
For Respondents No.6 to 10	**:**	Mr. Deepak Diwakar, Advocate on behalf of Mr. Abhishek Sharma, Advocate

Hon'ble Shri Amitendra Kishore Prasad, Judge

Order on Board

14.10.2026

1. By filing the present petition, the petitioners assail the order dated 25.05.2023 (Annexure P/1) passed by the Chhattisgarh Board of Revenue, Bilaspur, in Revenue Revision Case No. R.N./16/R/A-6/160/2019, whereby the orders dated 23.02.2016 (Annexure P/4) passed by the Tehsildar, Udaipur, and 06.08.2019 (Annexure P/2) passed by the Commissioner, Surguja Division, were set aside, while the order dated 21.07.2017 (Annexure P/3) passed by the Sub-Divisional Officer (Revenue), Udaipur, allowing mutation of land bearing Khasra No. 482, admeasuring 0.185 hectare, situated at Village Gumga, District Surguja (C.G.), in favour of respondents No. 1 to 5 on the basis of a registered sale deed dated 04.02.1975, was maintained. The petitioners have prayed for following relief(s) :-

> "*10.1 That, this Hon'ble Court may kindly be pleased to issue a Suitable Writ (s), Order (s), Direction (S), by quashing the impugned order dated 25/05/2023 (Annexure P-1), passed by the Learned C.G. Board of Revenue Bilaspur.*
>
> *10.2 That, this Hon'ble Court may kindly be pleased to call the entire records from the court below for its kind perusal.*
>
> *10.3 Any other relief, which may be suitable in the facts and circumstances of the case, may also be granted.*"

2. Learned counsel for the petitioners submits that the petitioners as well as private respondents No. 6 to 10 have instituted two separate civil suits before the Court of First Civil Judge, Class-II, Ambikapur, District Surguja (C.G.), seeking declaration of title and permanent injunction in respect of the land bearing Khasra No. 482/1, admeasuring 0.0810 hectares, and Khasra No. 482, admeasuring 0.185 hectares, situated at Village Gumga, Tahsil Udaipur, District Surguja (C.G.), which is the subject matter of the present writ petition. It is submitted that the Board of Revenue has passed the impugned order in favour of private respondents No. 6 to 10, pursuant to which their names are yet to be mutated in the revenue records.

3. Learned counsel for the petitioners further submits that the dispute has arisen on account of two separate registered sale deeds, one executed in favour of the petitioners and the other in favour of private respondents No. 6 to 10, giving rise to a serious dispute regarding title over the subject land. It is contended that since the question of title is already pending consideration before the competent civil Court, the revenue authorities ought to await the outcome of the pending civil suits before proceeding further with the mutation proceedings.

4. Learned State counsel submits that the dispute regarding title over the subject land is pending consideration before the competent civil Court and the revenue authorities shall abide by the final

adjudication made therein and proceed with the mutation proceedings in accordance with law.

5. Learned counsel appearing for private respondents No. 6 to 10 opposes the submissions advanced on behalf of the petitioners and supports the order passed by the Chhattisgarh Board of Revenue.

6. Having considered the submissions of learned counsel for the parties and upon perusal of the material available on record, it transpires that the dispute between the parties primarily concerns their respective claims of title over the subject land, arising out of competing registered sale deeds. It is also evident that the parties have already approached the competent civil Court by instituting separate civil suits seeking declaration of title and permanent injunction in respect of the land in question. Therefore, the question of title is required to be adjudicated by the competent civil Court, and the proceedings before the revenue authorities cannot be treated as a substitute for adjudication of such disputed questions of title.

7. Considering the aforesaid aspects of the matter, this Court deems it appropriate to dispose of the present writ petition by relegating the petitioners as well as private respondents No. 6 to 10 to pursue their respective claims before the competent civil Court. At this stage, learned counsel for the petitioners submits that the civil suits are presently at the stage of recording evidence of the

parties. In view of the same, the parties are directed to pursue their respective civil suits diligently, and the concerned civil Court is requested to make every endeavour to decide the pending suits expeditiously, in accordance with law.

8. It is further directed that the concerned revenue authorities shall await the outcome of the pending civil suits and shall not proceed further with the mutation proceedings in respect of the subject land until the disputes regarding title are adjudicated by the competent civil Court. The judgment and decree passed by the civil Court shall be binding upon the revenue authorities, who shall thereafter proceed with the mutation proceedings in accordance with the adjudication made by the civil Court and the applicable provisions of law.

9. With the aforesaid observations and directions, the present writ petition stands **disposed of**.

10. It is made clear that this Court has not expressed any opinion on the merits of the rival claims of the parties regarding title over the subject land.

11. There shall be no order as to costs.

Sd/-
(Amitendra Kishore Prasad)
Judge

Yogesh