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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WP227 No. 1380 of 2026

1 - Govind Baghel S/o Shri Mannu Baghel, Aged About 70 Years, R/o. Village-Bhoinabhatha, Post-Bawamohatara, Tahsil and District Bemetara (C.G.)

... Petitioner

versus

1 - Gopal Baghel S/o Shri Mannu Baghel, R/o Village-Bhoinabhata, Post-Bawamohatara, Tahsil and District- Bemetara (C.G.)

... Respondent

(Cause-title taken from Case Information System)

For Petitioner : Ms. Swati Rani Saraf, Advocate.

Hon'ble Shri Justice Ravindra Kumar Agrawal, J
Order on Board

30-10-2026

1. The present is writ petition under Article 227 of the Constitution of India filed by the petitioner against the impugned order dated 18-06-2026 passed by the Chhattisgarh Board of Revenue, Bilaspur Circuit Court, Raipur in Revenue Case No.R.N./23/R/A-27/256/2023 whereby the revision filed by the respondent has been allowed and the order passed by the Sub-Divisional Officer (Revenue), Bemetara dated 31-01-2022 and the order dated 13-07-2023 passed by the Commissioner, Durg Division have been set aside and the order dated 20-09-2021 passed by the Nayab Tahsildar, Bemetara has been affirmed.

2. Learned counsel for the petitioner would submit that the respondent is his brother. Total 1.850 hectare of land of different khasra numbers situated at Village Bhoinabhatha, Tahsil and District Bemetara was recorded jointly in the

name of the parties. With intention to partition of the subject property, the respondent filed an application under Section 178-A of the C.G. Land Revenue Code, 1959 before the Nayab Tahsildar Bemetara for partition of the property between the parties, i.e., the petitioner and the respondent. The Nayab Tahsildar though called the Fard Batwara report from the concerned Patwari, but the concerned Patwari has not divided the land in accordance with the partition rules and valuable property was kept in the share of respondent and the property which was kept in the share of the petitioner was not having same potential of agriculture or less valuable land with that of the other part of the land. Without considering the objection raised by the petitioner the Nayab Tahsildar has passed its order granting valuable property in favour of the respondent. The said order passed by the Nayab Tahsildar was challenged by the petitioner before the Sub-Divisional Officer (Revenue) Bemetara which was allowed vide order dated 31-01-2022 holding that the Nayab Tahsildar has not passed its order after following due procedure for partition and remitted back the matter to the Nayab Tahsildar for fresh adjudication. The second appeal filed by the respondent before the Commissioner, Durg Division has also been dismissed by holding that the procedure for partition has not been followed by the Nayab Tahsildar and affirmed the order passed by the Sub-Divisional Officer (Revenue). The revision field by the respondent before the Board of Revenue was allowed and the order passed by the Sub-Divisional Officer (Revenue) Bemetara and the Commissioner, Durg Division have been set aside and order passed by the Nayab Tahsildar has been affirmed by the Board of Revenue. She would further submit that the well reasoned orders passed by the Sub-Divisional Officer (Revenue), Bemetara and the Commissioner, Durg Division have been set aside by the Board of Revenue holding that the Nayab Tahsildar after following due process of law with respect to the partition passed its order which reflected from the order sheets of the Nayab Tahsildar. She

would also submit that the Board of Revenue has also erroneously considered that the Fard Batawara was published and objections were called, whereas, no such proceedings were drawn and the Board of Revenue on the ground that no objection have been raised by the petitioner during the proceeding held that the partition was done in accordance with law as the petitioner has not raised any objection in the partition proceeding despite participating in the proceeding. She would further submit that by the orders passed by the Nayab Tahsildar and Board of Revenue, the valuable property was remain with the possession of respondent and unequal partition cannot be permitted, therefore, the matter may be remitted back to the Nayab Tahsildar by allowing the petition for fresh adjudication on the partition proceeding.

3. I have heard learned counsel for the petitioner and perused the documents annexed with the petition.

4. The sequence of the orders passed by the revenue authorities are not in dispute. Ultimately, the Board of Revenue has affirmed the order passed by the Nayab Tahsildar by which the order of partition was passed. From perusal of the order passed by the Nayab Tahsildar dated 20-09-2021 (Annexure-P/2), it transpires that the Fard Batwara has been made part of the order and according to which, the land was divided in two parts, in which Khasra No.18/2 admeasuring 0.58 hectare, 18/3 admeasuring 0.23 hectare and 0.11 hectare of Khasra No.34, total area 0.92 hectare was allotted in the share of the respondent, and Khasra No.30 admeasuring 0.41 hectare, 0.10 hectare of Khasra No.34 and Khasra No.35 admeasuring 0.42 hectare, total area 0.93 hectare has been allotted in the share of the petitioner. There may be some variations in quality or quantity of the land which were allotted in the respective share of the parties, however, in the jurisdiction under Article 227 of the Constitution of India this Court cannot examine the factual dispute with respect to quality, quantity or potential of the subject land which were

allotted to the parties concerned, this Court can only examine the jurisdictional error if any committed by the sub-ordinate authorities.

5. From perusal of the order passed by the Board of Revenue dated 18-06-2026, it transpires that the Board of Revenue has observed in its order that during the proceeding the petitioner had appeared and participated, however, he has not raised any objection in the partition proceeding and Fard Batwara and even in the present writ petition no any document has been filed by the petitioner that at any point of time he raised any objection before the Nayab Tahsildar regarding partition proceeding. The conduct of the petitioner amounts to an admission to partition and the Fard Batwara obtained by the Nayab Tahsildar, despite obtaining the Fard Batwara by the Nayab Tahsildar the petitioner has not raised any objection and the parties have admitted that they are in possession of their respective land obtained in partition and according to which the Nayab Tahsildar has passed its order of partition.

6. On being examined the orders passed by the revenue authorities, this Court does not find any perversity or jurisdictional error in passing the order passed by the Board of Revenue. Accordingly, the writ petition fails and is hereby **dismissed**. However, the petitioner is at liberty to redress his grievances in appropriate proceeding, if so advised.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Aadil