CGHC010456942025 2026:CGHC:46581

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WP227 No. 1140 of 2025

Smt. Geeta Banarasi W/o Late Gunwant Banarasi Aged About 44 Years R/o Kunwa Chowk, Nandai Ward No. 40, Police Station Basantpur, Tahsil And District Rajnandgaon (C.G.)

... Petitioner(s)

versus

Premlata D/o Late Sakhadas Satnami R/o Nandai Ward No. 40, Satnami Para, Tahsil And District Rajnandgaon (C.G.)

.. Respondent(s)

(Cause-title taken from Case Information System)

For Petitioner(s)	:	Mr. Achyut Tiwari, Advocate.
For Respondent(s)	:	Mr. Ravi Kumar Bodhani, Advocate.

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

03/11/2026

1. Heard.

2. Present is a writ petition under Article 227 of the Constitution of India filed by the petitioner against the impugned order dated 10.09.2025 passed by the Chhattisgarh Board of Revenue, Bilaspur, Circuit Court at Raipur, in Revenue Case No. RN/15/R/A-6/74/2025 (wrongly mentioned as 2029), whereby the revision filed by the respondent was allowed and the orders passed by the Commissioner, Durg Division, dated 12.02.2025 and the Tehsildar, Rajnandgaon, dated 22.05.2024,

were set aside and the order passed by the SDO (Revenue), Rajnandgaon, dated 12.09.2024, was affirmed.

3. Learned counsel for the petitioner would submit that the subject property is the land bearing Khasra No. 1519/3, area 0.201 hectare, situated at Village Nandai, P.H. No. 41, Tehsil and District Rajnandgaon (C.G.). It was initially owned by one Sakhadas. After the death of Sakhadas, the names of his wife, Ganga Devi, and son, Gunwant, were mutated in the revenue records. Ganga Devi also died on 01.08.2004, and thereafter, her name was deleted from the revenue records and the name of Gunwant alone remained. Gunwant also died on 17.12.2023.

4. After the death of Gunwant, the respondent, Premlata, moved an application on 26.02.2024 before the Tehsildar, Rajnandgaon, claiming that after the death of Sakhadas, the names of his legal heirs, i.e., Ganga Devi, Gunwant, Premlata and her sister Sumitra, should have been mutated in the revenue records. However, the names of Premlata and Sumitra were left out, and the names of Ganga Devi and Gunwant were recorded in the revenue records. Even after the death of Ganga Devi, their names could not be mutated in the revenue records, though they are the legal heirs of Sakhadas and Ganga Devi. Therefore, their names may also be mutated in the revenue records along with the wife of deceased Gunwant, namely, Geeta Banarasi. The Tehsildar, Rajnandgaon, dismissed the application filed by the respondent vide order dated 22.05.2024, holding that the respondent had not claimed legal heirship of Sakhadas and mutation in the revenue records on the ground that after the death of Sakhadas, their names had not been mutated. Rather, they were claiming their legal heirship through

Gunwant, who is a Class-II heir, whereas his wife, Geeta, who is a Class-I heir, is available. Therefore, the names of Premlata and Sumitra could not be mutated in the revenue records. The said order dated 22.05.2024 passed by the Tehsildar, Rajnandgaon, was challenged by the respondent before the SDO (Revenue), Rajnandgaon, which was allowed vide order dated 12.09.2024, directing mutation of the name of Premlata in the revenue records along with the wife of Gunwant, namely, Geeta. The petitioner challenged the order passed by the SDO (Revenue), Rajnandgaon, by filing a second appeal before the Commissioner, Durg Division, which was also allowed vide order dated 12.02.2025, and the order passed by the SDO (Revenue), Rajnandgaon, was set aside, holding that Premlata and Sumitra had not claimed mutation of their names after the death of Sakhadas and Ganga Devi and had only claimed mutation of their names after the death of Gunwant. The order passed by the Commissioner, Durg Division, dated 12.02.2025, was further challenged by the respondent before the Board of Revenue, which allowed the revision filed by the respondent on 10.09.2025 by setting aside the orders passed by the Commissioner, Durg Division, and the Tehsildar, Rajnandgaon, and affirming the order passed by the SDO (Revenue), Rajnandgaon, which is under challenge in the present writ petition.

5. He would further submit that the respondents had not claimed mutation of their names or any right over the subject property after the death of Sakhadas and had claimed their rights only as legal heirs of Gunwant, who was a Class-II heir as per the Hindu Succession Act, 1956. Since

the wife of Gunwant is available, who is a Class-I heir, the names of Premlata cannot be mutated in the revenue records.

6. He would further submit that the respondent, Premlata, had executed a relinquishment deed in favour of Gunwant on 25.02.2021, therefore, she is not entitled to seek mutation of her name in the revenue records. Even otherwise, Ganga Devi died in the year 2004, and much prior to her death, the original owner of the property, namely, Sakhadas, had died. However, till 2024, the claimant, Premlata had not claimed her rights or sought mutation of her name over the subject property, and by her conduct, she had relinquished her rights in the property in favour of Gunwant. Therefore, she is not entitled to seek mutation of her name in the revenue records. The Tehsildar, Rajnandgaon, and the Commissioner, Durg Division, had rightly appreciated the entire facts and circumstances of the case and rejected the claim of Premlata, which the Board of Revenue has set aside. The order passed by the Board of Revenue suffers from non-consideration of the material facts produced by the petitioner before the subordinate revenue authorities, and the Board has mechanically passed the order, which is liable to be set aside.

7. On the other hand, learned counsel appearing for the respondent opposes the submissions made by learned counsel for the petitioner and submits that in the application filed by Premlata on 26.06.2024, she specifically claimed that after the death of Sakhadas, her name could not be mutated in the revenue records by suppressing the material facts before the revenue authorities. It is not in dispute that Premlata and Sumitra are the daughters of Sakhadas and Ganga Devi and, upon the death of their father, their names should have been

mutated in the revenue records along with the name of Ganga Devi. However, by suppressing the material facts, their names were not recorded in the revenue records. When they came to know about the revenue records after the death of Gunwant, the respondent filed an application stating therein that she is the legal heir of late Sakhadas and that her name should have been mutated in the revenue records along with the name of Gunwant. The Tehsildar, without considering the contents of the application, rejected the same, whereas the SDO, Revenue, Rajnandgaon, rightly considered the claim of the respondent. The Board of Revenue has also rightly appreciated the order passed by the SDO, Revenue, Rajnandgaon, and affirmed the same, holding that Premlata is the legal heirs of late Sakhadas and is entitled to have her name mutated in the revenue records as title holders of the suit property along with Gunwant. Therefore, there is no illegality in the order passed by the Board of Revenue, and the writ petition is liable to be dismissed.

8. With regard to the alleged relinquishment deed dated 25.02.2021, he would submit that the said relinquishment deed relates to a house belonging to the parties but not to the agricultural land over which they are claiming mutation of their names.

9. I have heard learned counsel for the parties and perused the documents annexed with the petition.

10. From the arguments raised by the petitioner, it reveals that the controversy revolves around the issue that the respondent is not claiming mutation of her name along with the names of the LRs of Sumitra on the basis of legal heirship of deceased Sakhadas, but is claiming mutation on the basis of being the legal heir of Gunwant.

Though the application filed by Premlata before the Tehsildar, Rajnandgaon, dated 26.02.2024, has not been annexed with the petition, the contents of the application filed by Premlata dated 26.02.2024 before the Tehsildar, Rajnandgaon, have been reiterated in Para 2.1 of the order passed by the Board of Revenue dated 10.09.2025. From a perusal of the contents of the application, it transpires that the respondent Premlata is claiming that after the death of her father, Sakhadas, her name were not mutated in the revenue records and only the name of Gunwant was recorded in the revenue records, suppressing their legal heirship. When the application was filed by Premlata before the Tehsildar, the wife of Gunwant, namely, Geeta, raised an objection that after the death of Gunwant, she is the sole legal heir and that her name alone could be mutated in the revenue records, as Premlata and the LRs of Sumitra are not the legal heirs of Gunwant.

11. The parties could not dispute that Premlata and Sumitra are also the daughters of late Sakhadas and Ganga Devi and sisters of late Gunwant. For the reasons best known to Ganga Devi and Gunwant, the names of Premlata and Sumitra could not be mutated at the time when Sakhadas died, and the names of Ganga Devi and Gunwant were mutated in the revenue records. Since Premlata and Sumitra are the legal heirs of late Sakhadas and Ganga Devi and have rights and title over the subject property, they are entitled to have their names mutated along with the names of Ganga Devi and Gunwant after the death of Sakhadas.

12. From a perusal of the order passed by the Tehsildar, Rajnandgaon, dated 22.05.2024, it appears that the application was rejected on the

ground that Premlata and Sumitra are not the legal heirs of Gunwant, whereas Premlata is claiming that she is the legal heirs of Sakhadas and Ganga Devi and that, after his death, her name should have been mutated in the revenue records. Thus, the order passed by the Tehsildar appears to be erroneous in view of the facts stated in the application and the findings recorded in the order itself. While considering the issue raised by the respondent before the SDO, Revenue, Rajnandgaon, the SDO elaborately considered the rights of the parties and their legal heirship and, after considering that the name of Premlata should also have been mutated in the revenue records after the death of Sakhadas, allowed the appeal filed by Premlata and directed mutation of her name in the revenue records.

13. The Commissioner, Durg Division, allowed the second appeal filed by the petitioner on the ground that the mutation order passed in favour of Ganga Devi and Gunwant had not been challenged and that the respondent Premlata had claimed mutation of her name in the year 2024, which was highly belated. In the facts of the present case, this does not appear to be justified, and the denial of the right of Premlata and Sumitra to have their names mutated in the revenue records cannot be upheld.

14. The Board of Revenue, after considering the legal heirship and the facts of the case, held that Premlata, being one of the daughters of late Sakhadas and Ganga Devi, is entitled to have her name mutated in the revenue records and accordingly allowed the revision and directed mutation of her name in the revenue records. The relinquishment deed, as claimed by the petitioner, is dated 25.02.2021, i.e., with respect to the house situated at Satnami Para, Ward No. 40, Kua Chowk,

Rajnandgaon, whereas the respondent Premlata is claiming mutation of her name in respect of the agricultural land bearing Khasra No. 1519/3, admeasuring 0.201 hectare, situated at Village Nandai, District Rajnandgaon (C.G.). Even otherwise, the said relinquishment deed was allegedly executed by Premlata on 25.02.2021, i.e., much after the mutation of the names of Ganga Devi and Gunwant following the death of Sakhadas.

15. In the case of **Mukesh Kumar Agrawal vs. Munni Devi and Others**, decided on 09.09.2025 in First Appeal No. 287 of 2017, the coordinate Bench of this Court has considered the definition of fraud and its effect. The fraud has been defined under Section 17 of the Indian Contract Act, 1872, which reads as under:-

> **"17. 'Fraud' defined.-'**Fraud' means and includes any of the following acts committed by a party to a contract, or with his connivance, or by his agent, with intent to deceive another party thereto or his agent, or to induce him to enter into the contract:-
>
> (1) the suggestion, as a fact, of that which is not true, by one who does not believe it to be true;
>
> (2) the active concealment of a fact by one having knowledge or belief of the fact;
>
> (3) a promise made without any intention of performing it;
>
> (4) any other act fitted to deceive;
>
> (5) any such act or omission as the law specially declares to be fraudulent.

16. In Para 20 of **Mukesh Kumar Agrawal** (supra), it has been held that:

> 20. It is well settled position of law that fraud vitiates everything. The Hon'ble Supreme Court in case of Vishnu Vardhan @ Vishnu Pradhan Vs. The State of Uttar Pradesh & Ors. and other connected cases [2025 INSC 884] has held as under:
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> > "a. In ***United India Insurance Co. Ltd. v. Rajendra Singh [(2000) 3 SCC 581],*** this Court reiterated that fraud unravels everything: 3. "Fraud and justice never dwell together" (fraus et jus nunquam cohabitant) is a pristine maxim which

has never lost its temper over all these centuries. Lord Denning observed in a language without equivocation that “no judgment of a court, no order of a Minister can be allowed to stand if it has been obtained by fraud, for, fraud unravels everything” (Lazarus Estates Ltd. v. Beasley [(1956) 1 QB 702 : (1956) 1 All ER 341 : (1956) 2 WLR 502 (CA)]).

b. In **Srisht Dhawan (Smt) v. Shaw Bros. [(1992) 1 SCC 534]** , it was held:

20. Fraud and collusion vitiate even the most solemn proceedings in any civilised system of jurisprudence. It is a concept descriptive of human conduct. Michael Levi likens a fraudster to Milton's sorcerer, Comus, who exulted in his ability to, ‘wing me into the easy-hearted man and trap him into snares’. It has been defined as an act of trickery or deceit. In Webster's Third New International Dictionary fraud in equity has been defined as an act or omission to act or concealment by which one person obtains an advantage against conscience over another or which equity or public policy forbids as being prejudicial to another. In Black's Legal Dictionary, fraud is defined as an intentional perversion of truth for the purpose of inducing another in reliance upon it to part with some valuable thing belonging to him or surrender a legal right; a false representation of a matter of fact whether by words or by conduct, by false or misleading allegations, or by concealment of that which should have been disclosed, which deceives and is intended to deceive another so that he shall act upon it to his legal injury……..

c. In **A.V. Papayya Sastry v. Govt. of A.P. [(2007) 4 SCC 221**, this Court held:

21. Now, it is well-settled principle of law that if any judgment or order is obtained by fraud, it cannot be said to be a judgment or order in law. Before three centuries, Chief Justice Edward Coke proclaimed:

“Fraud avoids all judicial acts, ecclesiastical or temporal.”

22. It is thus settled proposition of law that a judgment, decree or order obtained by playing fraud on the court, tribunal or authority is a nullity and non est in the eye of the law. Such a judgment, decree or order—by the first court or by the final court—has to be treated as nullity by every court, superior or inferior. It can be challenged in any court, at any time, in appeal, revision, writ or even in collateral proceedings.

23. ***

24. In Duchess of Kingstone, Smith's Leading Cases, 13th Edn., p. 644, explaining the nature of fraud, de Grey, C.J. stated that though a judgment would be res judicata and not impeachable from within, it might be impeachable from without. In other words, though it is not permissible to show that the court was "mistaken", it might be shown that it was "misled". There is an essential distinction between mistake and trickery. The clear implication of the distinction is that an action to set aside a judgment cannot be brought on the ground that it has been decided wrongly, namely, that on the merits, the decision was one which should not have been rendered, but it can be set aside, if the court was imposed upon or tricked into giving the judgment.

25. It has been said : fraud and justice never dwell together (fraus et jus nunquam cohabitant); or fraud and deceit ought to benefit none (fraus et dolus nemini patrocinari debent).

d. The judgment by Denning, L.J. in **Lazarus Estates Ltd.** (supra), which has since been quoted with approval by this Court in a catena of decisions including **Nidhi Kaim** (supra), asserted intolerance for fraud in legal proceedings in the following words:

No court … will allow a person to keep an advantage which he has obtained by fraud. […] Fraud unravels everything. The court is careful not to find fraud unless it is distinctly pleaded and proved; but once it is proved, it vitiates judgments, contracts and all transactions whatsoever….

……

……

85. In **Inderjit Singh Grewal v. State of Punjab [(2011) 12 SCC 588]** this Court held that:

17. It is a settled legal proposition that where a person gets an order/office by making misrepresentation or playing fraud upon the competent authority, such order cannot be sustained in the eye of the law as fraud unravels everything.

"Equity is always known to defend the law from crafty evasions and new subtleties invented to evade law." It is trite that "fraud and justice never dwell together" (fraus et jus nunquam cohabitant). Fraud is an act of deliberate deception with a design to secure something, which is otherwise not due. Fraud and deception are synonymous. "Fraud is anathema to all equitable principles and any

> affair tainted with fraud cannot be perpetuated or saved by the application of any equitable doctrine." An act of fraud on court is always viewed seriously. [Vide Meghmala v. G. Narasimha Reddy [(2010) 8 SCC 383, para 34.]
>
> **18.** However, the question does arise as to whether it is permissible for a party to treat the judgment and order as null and void without getting it set aside from the competent court. The issue is no more res integra and stands settled by a catena of decisions of this Court. For setting aside such an order, even if void, the party has to approach the appropriate forum. [Vide *State of Kerala v. M.K. Kunhikannan Nambiar Manjeri Manikoth [(1996 1 SCC 435] and Tayabbhai M. Bagasarwalla v. Hind Rubber Industries (P) Ltd.* [(1997) 3 SCC 443].

17. In the facts and circumstances of the present case, it is evident that the claim of respondent Premlata is not founded upon their succession to the estate of the deceased Gunwant, but upon their independent status as a daughter and legal heir of the original owner, late Sakhadas. Admittedly, their relationship with late Sakhadas and Ganga Devi has not been disputed by the petitioner. Consequently, the objection raised by the petitioner on the basis that she is the Class-I legal heir of Gunwant and that Premlata and Sumitra do not fall within the category of Class-I heirs of Gunwant is misconceived. The entitlement of the respondents to succeed to the property is required to be examined with reference to the succession opening upon the death of the original owner, Sakhadas, and not merely on the basis of the subsequent death of Gunwant. The omission of their names in the earlier revenue entries cannot, by itself, defeat their lawful claim, particularly when the respondents have specifically asserted that their names were not recorded despite their entitlement as legal heirs of Sakhadas. The Board of Revenue has rightly considered the actual nature of the claim

and found that the Tehsildar rejected the application by proceeding on an erroneous understanding of the respondents' claim.

18. So far as the allegation of fraud, relinquishment of rights and delay in approaching the revenue authorities is concerned, the petitioner has not been able to demonstrate from the material available on record that the relinquishment deed dated 25.02.2021 specifically covers the agricultural land in question. On the contrary, the material indicates that the said deed relates to a residential house situated at Satnami Para, Rajnandgaon. Mere execution of such a document in respect of a different property cannot be construed as relinquishment of rights in the subject agricultural land. Further, the mere delay in seeking mutation or omission of names from the revenue records would not, without more, establish abandonment or relinquishment of substantive rights. The principles regarding fraud, as noticed in **Mukesh Kumar Agrawal** (supra), and the decision of the Hon'ble Supreme Court in **Vishnu Vardhan @ Vishnu Pradhan** (supra), do not advance the petitioner's case in the absence of cogent material establishing fraud or deliberate deception in the proceedings before the revenue authorities. The Board of Revenue has considered the relevant factual and legal aspects and has not committed any jurisdictional error or perversity warranting interference in the exercise of supervisory jurisdiction under Article 227 of the Constitution of India.

19. Accordingly, the writ petition deserves to be and is hereby **dismissed**.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Alok