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IN THE HIGH COURT OF JUDICATURE AT BILASPUR CHHATTISGARH

W.P. No. 29 /2000

(PETITION UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION)

PETITION UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION
OF INDIA FOR WRITS IN THE NATURE OF CERTIORARI,
MANDAMUS, PROHIBITION ETC. AND FOR APPROPRIATE FURTHER
DIRECTIONS

- PETITIONERS :
1. Atmaram, age about 48 years, s/o Late-Bhagwani.
 2. Amarnath, age about 42 years, s/o Narayan.
 3. Ramnath, age about 62 years, s/o Late-Sukaluram.
 4. Neharu, age about 36 years, s/o Late - Nathuram.
 5. Smt. Kalyanibai, age about 32 years, Wd/o Late Laxminath.
 6. Minor Shashikant, age about 9 years, D/o Late Laxminath, Through Guardian and next friend Smt. Kalyanibai.
 7. Minor Ku. Indu, age about 7 years, D/o late Laxminath, Through guardian and next friend Smt. Kalyanibai.
 8. Minor Ku. Khilesh age about 4 years, D/o Late Laxminath, Through guardian and next friend Smt. Kalyanibai.

All residents of village Lalpur P.o.-
Bagbahara, Tahsil and District -
Mahasamund.

Versus

- RESPONDENTS :
1. The State of Chhattisgarh through Collector Mahasamund.

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2. The Board of Revenue, Gwalior (M.P.)
(Presiding Officer Shri K.K.Verma- Member)
3. Additional Commissioner, Raipur, Division-
Raipur (Chhattisgarh)
4. The Sub-Divisional Officer, Tahasil and
District Mahasamund (Chhattisgarh)
5. Naib Tahasildar, Sub Tahasil Bagbahara,
Tahasil and District Mahasamund (Chhattisgarh).
6. Govind Ram Khanna, age about 70 years,
S/o Kashiram Khanna, Resident of Village
Lalpur P.o. Bagbahara, Tahasil and District
Mahasamund.

DETAILS OF THE PETITION

आदेश पत्रक

M.P. Land Revenue Code

W.P. 29/2000

सन् 199 other than service matter

मामला क्रमांक

G. Ramakrishna & Ors

विरुद्ध

State of Chh. S.B.

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p><u>14.12.2000.</u></p> <p>Shri P.S.Thakur, learned counsel for the petitioners.</p> <p>Heard on question of admission.</p> <p>2. The petitioners are aggrieved by the order passed by the Revenue Court directing the mutation of the name of respondent no.6 in the revenue records.</p> <p>3. The grievance of the petitioners appears to be that without issuing proper notice and without making any enquiry into the transfer deed, the Revenue Courts illegally directed mutation in favour of respondent no.6.</p> <p>4. From the records, it appears that the land</p>	<p>P. R. No.</p> <p>Presented by Time 3:</p> <p>Dated 2</p> <p>Petition of ...</p> <p>Presented on with consent by Shri Ram if be checked</p> <p>M(C) P</p> <p>-A, N</p> <p>Proceeding Substituted presented counsel for Non-appli before Judge for order.</p> <p>Checke and dul It be Re</p>

आदेश पत्रक (पुर्वानुबद्ध)

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मा के अ
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in dispute was purchased by Kashi Ram, father of respondent no.6. The respondent no.6 made an application for mutation of his name and the said application was allowed by the Tehsildar and that order was confirmed in appeal by the Sub-Divisional Officer, in 2nd appeal by the Additional Commissioner and in the revision by the Board of Revenue. From the records, it also appears that the said records have also influenced the Board of Revenue that on an earlier occasion, the dispute had come before the Civil Court and on an investigation into a title of respondent no.6, the Civil Court recorded a finding in his favour. Undisputedly the judgments delivered in the civil matters have attained finality. Once the Civil Court observes and holds that respondent no.6 was the owner of the property and neither there was a fraud nor illegality in the said sale, then it would not ^{be} ^{revenue courts to} for ~~making~~ any further enquiry. The finding recorded by the Civil Court was certainly binding upon the Revenue Courts.

5. After hearing the learned counsel for the petitioners, I am unable to hold that the order passed by the Revenue Court calls for any interference. The petition is dismissed.

GRPRJ-FS/4-4/99-20,000.

Sd/-
R.S. Garg
Judge