



2026:CGHC:16605

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 450 of 2020

Ram Kumar Shukla S/o Late Vijay Shukla Aged About 62 Years R/o
Gram Adhaar, Tehsil Nandghat, District Bemetara, Chhattisgarh

... **Petitioner**

versus

1 - State of Chhattisgarh Through The Secretary, Ministry of Revenue,
Mantralaya, Capital Complex, Naya Raipur, District Raipur,
Chhattisgarh.

2 - The Collector District Bemetara, Chhattisgarh.

... **Respondents**

(Cause-title taken from Case Information System)

For Petitioner	:	Mr. Rajendra Sahu, Advocate on behalf of Mr. Raza Ali, Advocate
For State/Respondents	:	Mr. Ujjawal Choubey, Panel Lawyer

Hon'ble Shri Amitendra Kishore Prasad, Judge

Order on Board

10.04.2026

1 By filing the present petition, the petitioner assails the order dated 10.12.2019 passed by the Board of Revenue, Chhattisgarh in Revenue Revision No. RN/23/R-A-6/277/2018, whereby the revision preferred by the petitioners has been dismissed and the order dated 20.11.2017 passed by the Additional Commissioner,



Durg in Revenue Case No. 186/A-6/2015-16 has been affirmed, which in turn upholds the orders dated 13.05.2016 and 22.12.2014 passed by the Sub-Divisional Officer, Navagarh, District Bemetara and the Nayab Tahsildar, Nandghat respectively, thereby allegedly perpetuating illegality in the revenue records and adversely affecting the right, title and interest of the petitioners over the subject property. The petitioner has filed this writ petition with the following relief(s):-

“A. A writ and/or an order in the nature of writ of appropriate nature do issue commanding and directing the respondents concerned to produce before this Hon'ble Court all the relevant records pertaining to the case of the petitioner for its kind perusal.

B. A writ and/or an order in the nature of writ of appropriate nature do issue to quash the order dated 10.12.2019 (Annexure P-1) passed by Board of Revenue and in effect allow the application of the petitioner herein for deletion of name of the Collector in the revenue records as manager along with the Sarwarakar of the petitioner's temple.

C. A writ and/or an order in the nature of writ of appropriate nature do issue quashing the action of the respondent authorities in inclusion of the name of the Collector in respect of the property of the petitioner-temple and restoring the status of the property as it exists prior to inclusion of the name of the



collector and a further direction be issued restraining the state authorities in interfering with the management of the temple and its property by the Sarwarakar and persons claiming under him in the facts and circumstances of the case.

D. Any other relief which this Hon'ble Court may deem fit in the facts & circumstances of case.

E. Cost of the petition may also be awarded.”

- 2** Learned counsel for the petitioner submits that the temple in question, namely Shankar Murti Mandir, is a private temple constructed by the petitioner's grandfather on ancestral land and has always remained under the exclusive management and control of the petitioner's family. It is contended that after the demise of the petitioner's grandmother and father, the petitioner has been recognized as the Sarwarakar and his name stands recorded in the revenue records vide order dated 13.05.2016. The fact that devotees from the village and nearby areas offer prayers only with the permission of the petitioner further reinforces the private character of the temple.
- 3** It is further submitted that despite the settled legal position, the revenue authorities have illegally and arbitrarily added the name of the Collector as “Manager” in the revenue records vide order dated 22.12.2014, thereby interfering with the exclusive rights of the petitioner over the temple and its properties. It is contended



that such action is wholly impermissible in law, particularly when the lands in question have consistently been recorded in the name of the deity and managed by the petitioner as Sarwarakar.

- 4** Learned counsel submits that though the petitioner has diligently pursued remedies before the Tahsildar, Sub-Divisional Officer, Additional Commissioner and thereafter the Board of Revenue, all the authorities have erroneously rejected his claim, with the Board of Revenue dismissing the revision solely on the ground of limitation without entering into the merits. It is urged that such an approach is contrary to settled principles requiring a liberal consideration in matters of condonation of delay.
- 5** Lastly, learned counsel submits that the revision was dismissed on the ground of limitation; however, the petitioner has now already moved an appropriate application before the concerned Board of Revenue along with an application under Section 5 of the Limitation Act, assigning sufficient reasons for the delay. In view thereof, it is prayed that the present petition may be disposed of with a direction permitting the petitioner to pursue the said remedy before the Board of Revenue in accordance with law.
- 6** Learned State counsel submits that he has no objection if the present petition is disposed of in the aforesaid terms and the petitioner is permitted to pursue the remedy already availed before the Board of Revenue in accordance with law.



- 7 Considering the submissions advanced by learned counsel for the parties and taking into account the fact that the petitioner has already availed the remedy before the Board of Revenue by filing an appropriate application along with an application under Section 5 of the Limitation Act explaining the delay, this Court deems it appropriate to dispose of the present writ petition with liberty to the petitioner to pursue the said remedy.
- 8 Accordingly, the present petition stands disposed of with a direction that the Board of Revenue shall consider and decide the application preferred by the petitioner, including the application for condonation of delay, strictly in accordance with law and on its own merits, as expeditiously as possible.
- 9 It is made clear that this Court has not expressed any opinion on the merits of the case and the authority concerned shall decide the matter independently, uninfluenced by any observations made herein.

Sd/-

(Amitendra Kishore Prasad)
Judge