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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 1419 of 2021

1 - Kishore Doultani S/o Shri Bhimandas Doultani Aged About 39 Years Resident Of C-53, Sector-4, Devendra Nagar, Raipur, Tehsil And District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

2 - Jagdish Doultani S/o Shri Bhimandas Doultani Aged About 47 Years Through Power Of Attorney Holder Anil Doultani, R/o C-53, Sector-4, Devendra Nagar, Raipur, Tehsil And District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

--- Petitioner(s)

versus

1 - State Of Chhattisgarh Through The Chief Executive Officer, 2nd Floor, Bhaktamata Karma Commercial Complex, New Rajendra Nagar, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

2 - Raipur Development Authority Through The Chief Executive Officer, 2nd Floor, Bhaktamata Karma Commercial Complex, New Rajendra Nagar, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

3 - The Chief Executive Officer Raipur Development Authority, 2nd Floor, Bhaktamata Karma Commercial Complex, New Rajendra Nagar, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

4 - The Revenue Officer (Tehsildar) Raipur Development Authority 2nd

Floor, Bhaktamata Karma Commercial Complex, New Rajendra Nagar,
Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

--- Respondent(s)

WPC No. 1507 of 2021

1 - Jyoti Doultani W/o Shri Anil Doultani Aged About 47 Years Through Power Of Attorney Holder Anil Doultani, Aged About 46 Years S/o Shri Bhimandas Doultani, R/o C-53, Sector-4, Devendra Nagar, Raipur Tehsil And District Raipur Chhattisgarh

2 - Rekha Doultani W/o Shri Motilal Doultani Aged About 41 Years R/o C-53, Sector-4, Devendra Nagar, Raipur Tehsil And District Raipur Chhattisgarh

---Petitioner(s)

Versus

1 - State Of Chhattisgarh Through The Chief Executive Officer, Raipur Development Authority, 2nd Floor Bhaktamata Karma Commercial Complex, New Rajendra Nagar, Raipur Chhattisgarh

2 - Raipur Development Authority Through The Chief Executive Officer, Raipur Development Authority, 2nd Floor Bhaktamata Karma Commercial Complex, New Rajendra Nagar, Raipur Chhattisgarh

3 - The Chief Executive Officer Raipur Development Authority, 2nd Floor Bhaktamata Karma Commercial Complex, New Rajendra Nagar, Raipur Chhattisgarh

4 - The Revenue Officer (Tehsildar), Raipur Development Authority, 2nd Floor Bhaktamata Karma Commercial Complex, New Rajendra Nagar, Raipur Chhattisgarh

... Respondents

(Cause-title taken from the Case Information System)

For Petitioners :- Mr. Ashish Surana, Advocate
For Respondents No. 2 to 4 :- Mr. Animesh Tiwari, Advocate

SB- Hon'ble Shri Justice Amitendra Kishore Prasad
Order On Board

20.04.2026

1. Since common question of facts and law is involved in both the cases, as such, both the petitions are being disposed of by this common order.
2. The present petitions are directed against the impugned order dated 04.09.2020 passed by respondent No. 4, whereby the application preferred by the petitioners for mutation of their names in respect of Plot No. 37 situated at Devendra Nagar (New Indira Gandhi Commercial Complex), Raipur, has been rejected.
3. WPC No. 1419 of 2021 (Kishore Doultani vs. State of Chhattisgarh and others) has been taken as lead case in order to decide the issues involved in these matters.
4. The brief facts of the case are that the respondent authorities had initially allotted part of Plot Nos. 36 and 37 to the original allottees. Thereafter, on an application for transfer, the competent authority communicated terms and conditions vide letter dated 22.12.2018, requiring deposit of transfer fee. The petitioners, after complying with all conditions including payment of transfer fee amounting to Rs. 23,63,894/-, were granted permission and No

Objection Certificate on 08.01.2019 for transfer of Plot No. 37. Subsequently, a registered sale deed dated 05.03.2019 was executed in favour of the petitioners. Thereafter, the petitioners submitted applications dated 25.03.2019 and 28.11.2019 before the respondent authorities seeking mutation of their names in the records. Since no action was taken, the petitioners earlier approached this Court in WPC No. 995 of 2020, which was disposed of on 20.05.2020 directing the respondent authorities to decide the petitioners' application. However, respondent No. 4, by the impugned order dated 04.09.2020, rejected the application for mutation on the ground that a complaint has been lodged with respect to the said plot.

5. The petitioners have prayed for certain reliefs in the present writ petitions. Though there are some sort of differences in respect of prayer made by the petitioners in both the petitions, however, in sum and substance, the reliefs are altogether similar and identical. The reliefs prayed in WPC No. 1419 of 2021 (Kishore Doultani vs. State of Chhattisgarh and others) are quoted hereinbelow in order to consider both the cases and to decide the same.

“10.1 That, the Honourable Court may kindly be pleased to issue appropriate writ/writs, order/orders quashing the impugned order dated 04.09.2020 (ANNEXURE P-1) passed by the respondent no.4 and direct the

respondent no. 2 to 4 mutate the petitioners name as the allottee of the plot no. 37 in the records of the respondent Authority.

10.2 Any other relief(s) may also be given to the petitioners, which this Honourable court may deem fit and proper in the facts and circumstances of the case”

6. Learned counsel for the petitioners submits that the impugned order is arbitrary, illegal and unsustainable in law. It is contended that the petitioners have purchased the property through a registered sale deed after obtaining due permission and No Objection from the competent authority and after depositing the entire transfer fee as required. It is further submitted that till date neither the permission granted to the petitioners has been revoked nor the registered sale deed has been cancelled by any competent authority. Learned counsel submits that the sole ground for rejection, i.e., pendency of a complaint, is wholly irrelevant and extraneous, as no proceedings have been initiated against the petitioners nor any adjudication has taken place. It is also contended that the respondents, having permitted the transfer and accepted the transfer fee, are estopped from denying mutation of the petitioners' names. It is further submitted that the action of the respondents is violative of Articles 14, 19(1)(g) and 300-A of the Constitution of India, as the petitioners are being deprived of the use and enjoyment of their property without authority of law.

7. Per contra, learned counsel for the respondents submits that the impugned order has been passed in accordance with law and that certain complaints have been received with respect to the plot in question. It is submitted that in view of such complaints, the respondent authority deemed it appropriate not to proceed with mutation at this stage. It is further submitted that mutation does not confer title and is only an entry for revenue purposes, and therefore, the petitioners are not prejudiced.
8. I have heard learned counsel for the parties and perused the material available on record.
9. It is not in dispute that the petitioners have purchased the subject property through a registered sale deed after obtaining due permission and No Objection from the competent authority and upon payment of the requisite transfer fee. It is also not in dispute that the permission granted in favour of the petitioners has not been revoked till date. However, the stand taken by the respondents reveals that the records relating to the subject property are presently seized and under scrutiny before the Economic Offences Wing (EOW), thereby disabling the respondent authorities from taking any conclusive decision on the application for mutation.
10. In such circumstances, this Court is of the considered opinion that no fruitful purpose would be served by adjudicating the matter on merits at this stage, particularly when the

respondent authorities themselves have expressed their inability to act due to non-availability of records. At the same time, the rights of the petitioners cannot be left in abeyance indefinitely. A balanced approach is therefore required so as to safeguard the interest of both parties. It is well settled that mutation is a consequential act and the same is required to be considered by the competent authority on the basis of available records. If such records are under lawful custody of an investigating agency, appropriate steps may be taken for securing access to the same for limited purposes, in accordance with law.

11. Accordingly, both the writ petitions are **disposed of** with the directions that the petitioners are at liberty to approach the respondent authorities by filing a fresh/appropriate application for mutation along with all relevant documents. The respondent authorities, if required, may take appropriate steps to approach the concerned Economic Offences Wing (EOW) for obtaining access to the relevant records for the limited purpose of adjudication of the mutation application. Thereafter, the Economic Offences Wing (EOW), upon such request, shall consider the same in accordance with law and may permit inspection or temporary use of documents, as deemed appropriate.
12. Upon availability of the records, the respondent authorities shall consider and decide the petitioners' application for mutation

strictly in accordance with law by passing a reasoned and speaking order.

13. It is made clear that this Court has not expressed any opinion on the merits of the case.

14. With the aforesaid observations and directions, the writ petitions stand disposed of.

Sd/-

(Amitendra Kishore Prasad)
Judge

Vishakha