



HIGH COURT OF CHHATTISGARH AT BILASPUR

CONT No. 389 of 2023

HARDEEP SINGH RAJPUT **versus** MR. AJEET BASANT

WPC/4373/2023, WPC/5302/2024, WPC/5393/2024, WPC/4510/2023,
WPC/5519/2024

Order Sheet

25.04.2025	Mr. Hardeep Sing Rajput, Petitioner in person. Mr. Jitendra Shrivastava, Deputy Govt. Advocate appears along with Mr. Rishabh Singh Deo, Panel Lawyer for the State. Mr. Pankaj Agrawal, Counsel for the Respondents in Contempt Petition as well as in all the present Writ Petitions Civil. Mr. Navoday Singh, Advocate for the Petitioner in Contempt Petition. Argument heard on IA No. 06 /2025, an application for amendment in WPC No. 4510 of 2023. Learned counsel for the petitioners contended that the petitioners are bonafide residents of Khasra No. 74/01 for which Patta has been issued by the Govt. of Chhattisgarh. The petitioners want to bring it on record it being an important document affecting the rights of the

petitioners. In the likewise manner the petitioners also discovered tax receipts of the taxes paid by them and also building permission granted to petitioners. All the documents are having a bearing over the case. Hence are necessary in nature. The nature of the case will not change and no prejudice will be caused to the respondent. Relevant documents have been placed on record as Annexure P/8 and Annexure P/9. Hence he prays that the instant application may be allowed and the petitioners be allowed to incorporate the proposed amendments in the original records of the case in the interest of justice.

Respondent no. 5 filed a reply of the application for the amendment and specifically contended that the application for amendment was filed on 03.04.2025 the date on which the instant petition was fixed for argument. And the amendment isn't based on any new fact, petitioners had whole 1.5 years to seek amendment but making an application for amendment when the instant petition is fixed for argument is clearly a delay tactic being used by the petitioners.

He further stated that some petitioners had pattas of Khasra No. 74/1 which is Aabadi land but on the basis of that patta they are claiming right to possession of different land in Khasra NO. 55/1. These pattas have earlier been presented by the Petitioners before the Court of Tehsildar, SDO and Honourable Board of Revenue, where these pattas were discussed in detailed and it has been the

concurrent finding of lower courts that these pattas being for a different land do not confer any right to the petitioners regarding the land of Respondent no.5. Hence, in the stage of argument, an amendment with intention to cause delay in justice, changes the nature of the proceeding and adversely affects the rights of the respondent no. 5.

Heard learned counsel for the respective parties and perused the record with utmost circumspection.

On perusal of the available record, I have found that petitioner has filed writ petition on the basis that they are residing in the disputable land from last thirty to forty years and in fact they are residing on Khasra No. 74/01 of Village Ratakha. Therefore, this court is of the considered view that the instant amendment application has not changed the nature of the petition filed by the petitioner, however, application is filed after a delay of 1.5 years therefore, amendment application is allowed, subject to depositing a sum of Rs. 2,000/- as cost by the petitioners in the Registry of this Court within a period of 02 weeks from today, and the same shall be transmitted to the Government Home for Mentally Underdeveloped Children, Mana Camp, District-Raipur Chhattisgarh.

Accordingly, IA No. 06/2025 in WPC No. 4510 of 2023 stands allowed.

Also heard IA No. 08/2025, an application for amendment in WPC No. 4373 of 2023.

Learned counsel for the Petitioners contended that during the course of hearing petitioners came to know that the said eviction notice dated 12.09.2023 has been passed after the Board of Revenue Chhattisgarh has passed an order dated 16.04.2018 by which revision filed by Respondent No. 05 has been allowed thereby setting aside the order of the Divisional Commissioner Bilaspur by which the Divisional Commissioner has set aside the order dated 12.09.2016 passed by the Respondent no. 4 and has remanded the matter. That, the order of Board of Revenue Chhattisgarh needs to be challenged as the Respondent no. 5 is placing reliance on it for the purpose of evicting the petitioners from lands they are legally holding on pattas. Order dated 16.04.2018 passed in R.N. /10/R/A-70/191/2016 has been placed on record as Annexure P/5 and a patta has been issued to the petitioner no. 3 which has been annexed as Annexure P/6. Hence he prays that the instant application may be allowed and the petitioners be allowed to incorporate the proposed amendments in the original records of the case.

Learned counsel for the respondent no. 5 filed the reply and categorically stated that the application for amendment was filed on 03.04.2025 the date on which the instant petition was fixed for argument. And the amendment isn't based on any new fact, petitioners had whole 1.5 years to seek amendment but making an application for amendment when the instant petition is

fixed for argument is clearly a delay tactic being used by the petitioners.

He further stated that some petitioners had pattas of Khasra No. 74/1 which is Aabadi land but on the basis of that patta they are claiming right to possession of different land in Khasra NO. 55/1. These pattas have earlier been presented by the Petitioners before the Court of Tehsildar, SDO and Honourable Board of Revenue, where these pattas were discussed in detailed and it has been the concurrent finding of lower courts that these pattas being for a different land do not confer any right to the petitioners regarding the land of Respondent no.5. Hence, in the stage of argument, an amendment with intention to cause delay in justice, changes the nature of the proceeding and adversely affects the rights of the respondent no. 5.

Heard learned counsel for the respective parties.

On perusal of the available record, I have found that petitioner has filed writ petition on the basis that they are residing in the disputable land from last thirty to forty years and in fact they are residing on Khasra No. 74/01 of Village Ratakha. Therefore, this court is of the considered view that the instant amendment application has not changed the nature of the petition filed by the petitioner, however, application is filed after a delay of 1.5 years therefore, amendment application is allowed, subject to depositing a sum of Rs. 2,000/- as cost by the petitioners

in the Registry of this Court within a period of 02 weeks from today, and the same shall be transmitted to the Government Home for Mentally Underdeveloped Children, Mana Camp, District-Raipur Chhattisgarh.

Accordingly, IA No. 08/2025 WPC No. 4373 of 2023 stands allowed.

List these cases for final hearing on 7th of May, 2025.

Interim Relief, if any, to be continued till the next date of hearing.

sd/-

(Arvind Kumar Verma)

JUDGE

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