



HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 1503 of 2025

SAMRATH YADAV *versus* STATE OF CHHATTISGARH

Order Sheet

25/03/2025	Shri Parag Kotecha, counsel for the petitioner. Shri Mayur Khandelwal, Panel Lawyer for the State/respondents No.1 to 3. Heard on admission and I.A. No.1 for grant of ad interim relief. Issue notice. Shri Mayur Khandelwal, learned Panel Lawyer takes notice on behalf of the State/respondents No.1 to 3. Hence, no notice is required to be issued to these respondents. Issue notice to respondents No.4 to 7 by ordinary as well as registered modes on payment of process fee as per rules. Learned counsel for the petitioner submits that an application for partition was moved by respondents No.4 and 5 upon which the Tahsildar, Ramanujnagar has initiated proceedings and has issued notice against the parties. The petitioner being one of the parties has received the said notice on 23.4.2024. After receipt of the notice, reply was filed by the petitioner and thereafter the petitioner filed a civil suit for declaration of his title on the basis of a registered will dated 15.6.1982 executed in his favour along with relief of permanent injunction. This fact was brought into the notice of the concerned Tahsildar and accordingly the Tahsildar has stayed the further



	proceedings of the partition proceedings for three months. However, vide order dated 6.3.2025 he has passed an order stating that since there is no any interim order in the shape of stay obtained by the petitioner in the civil suit, as such the concerned Halka Patwari was directed to mutate the name of the petitioner as per the partition. As such the petitioner has filed this petition. Learned counsel for the petitioner submits that once the civil jurisdictional Court is seized of the matter, the Tahsildar cannot pass any order in respect of the property in question. Reliance has been placed on a judgment passed by the Madhya Pradesh High Court in the case of Nagjiram v. Mangilal and other, AIR 1977 MP 8. Considering the aforesaid aspect of the matter, when a query was put upon learned counsel for the State, he submits that he will file a reply. In view of the aforesaid settled position that once the Civil Court is seized of the matter, the revenue Courts have no power to pass any order in respect of the property in question. In a recent order, reported in 2022 SCC OnLine SC 2416 passed in the matter of Mohd. Abid and others v. Ravi Naresh and others, the Hon'ble Supreme Court has held as under: “4. It is, however, an admitted fact that the petitioners have already filed a suit for injunction in which <i>ex-parte ad-interim</i> injunction has been granted by the Civil Court, Faizabad, Uttar Pradesh on 05.12.2020. Once the Civil Court is seized of the matter, it goes without saying that the proceedings under Section 145/146 Cr.P.C. cannot proceed and must come to an end. The <i>inter-se</i> rights of the parties regarding title or possession are eventually to be determined by the Civil Court.” Therefore, the effect and operation of the impugned order dated 6.3.2025 is hereby stayed and if any order has already been passed the
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Gopal Singh	same shall be kept in abeyance till the final disposal of this petition. Any deviation from this order will be treated as violation of the order passed by this Court and accordingly it will be treated strictly against the person concerned. Learned counsel for the State is directed to file reply to the writ petition as well as to I.A. No.1 for ad interim relief within four weeks. List this matter in the week commencing 5.5.2025 for final disposal at motion stage. Sd/- (Amitendra Kishore Prasad) Judge
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