2026:CGHC:15171

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WP227 No. 377 of 2026

1 - Dipti Agrawal W/o Omprakash Agrawal Aged About 43 Years (Aadhar No. - 2577 0466 5296), Presently Residing At House No. 240/2, Kalash Bhavan, Old Civil Line, Side Of Old Rest House, Ward No. 14, Rajnandgaon, Tahsil And District- Rajnandgaon, C.G.

... Petitioner(s)

Versus

1 - Sanjay Kumar Nachrani S/o Late Mohanlal Nachrani Aged About 51 Years R/o House No. 11, Jal Vihar Colony, Ravigram, Raipur, Tahsil And District Raipur, C.G.
2 - Bahurlal Sahu S/o Late Chhedilal Sahu Aged About 54 Years Presently Residing At House No. 175, Ward No. 19, Station Para, Temri, Deopuri, Raipur, Tahsil And District- Raipur Pin- 492015, C.G.
3 - Yatiram Sahu S/o Late Chhedilal Sahu Aged About 45 Years R/o House No. 35, Navoday Staff Colony, Mana Camp, Ward No. 8, Mana Camp, Mana, Raipur, Tahsil And District- Raipur, C.G.
4 - State Of Chhattisgarh Through- Collector, Raipur, District - Raipur, C.G.

... Respondent(s)

(Cause-title taken from Case Information System)

For Petitioner	:	Shri Sunil Otwani, Sr. Advocate and Shri Hari Agrawal, Advocate.
For Respondent No.1	:	Shri Sarfaraz Khan, Advocate.
For State	:	Ms. Richa Sahu, Panel Lawyer.

Hon'ble Shri Justice Ravindra Kumar Agrawal, J

Order on Board

01.04.2026

1. The present writ petition under Article 227 of the Constitution of India has been filed by the petitioner against the impugned order dated 09.03.2026 passed by the Chhattisgarh Board of Revenue, Circuit Court at Raipur (in short, the Board of Revenue) in Revenue Case

No.RN/14/R/A-6/4008/2025 whereby the revenue revision filed by the respondent No.1 was allowed and the order dated 06.10.2025 passed by the Commissioner, Raipur Division, Raipur, in Case No.100065/A-6/2024-25 and the order dated 09.07.2025 passed by the Additional Collector, Raipur in Appeal Case No.202501113000047A/6(A)/2024-25 have been set aside and that the order dated 19.12.2024 passed by Sub Divisional Officer (Revenue), Raipur, in Revenue Case No.202306111000251/A-6(A)/2022-23 has been affirmed.

2. In the dispute before the revenue courts, the present petitioner Dipti Agrawal not a party. She filed the present writ petition challenging the impugned order dated 09.03.2026 passed by the Board of Revenue along with an application for grant of leave to challenge the order dated 09.03.2026 (IA No.01/2026) claiming that she has purchased the suit property from the respondent No.2&3 through the registered sale deed dated 10.11.2025 and despite being made her as party non applicant before there, the impugned order has been passed and thereby her legal right is prejudiced and therefore she may be permitted to challenge the order dated 09.03.2026.

3. The prayer made by the petitioner for grant of leave depends upon the facts of the case as to whether her right would be prejudiced by the order impugned and therefore this court deem it appropriate to first consider the merits of the case and then to decide the application of the petitioner (IA No.01/2026).

4. The factual background of the case are that, the subject land Khasra No.311/10 area 0.352 Hect. and part of Khasra No.311 area 0.024 Hect. total area 0.376 Hect. situated at village Temri, PH No.115, RI

Circle Raipur (1), Tehsil and District Raipur, was initially owned by the respondent No.2&3. The subject land was sold to one Sangeeta Agrawal through registered sale deed dated 29.06.1991. The respondent No.1 Sanjay Kumar Nachrani purchased the subject land from Sangeeta Agrawal through registered sale deed dated 07.02.1997 which was executed by her power of attorney Salik Ram Barnwal. At that time the name of respondent No.1 was mutated in the revenue records and he came into possession thereof. Subsequently, on a particular year, by mistake, the name of respondent No.1 could not reflect in the Khasra roster and it was reflected in the name of Smt. Sangeeta Agrawal who was the seller of the land to respondent No.1. When the respondent No.1 came to know about this fact, he made an application before the SDO Raipur under Section 115 of the Chhattisgarh Land Revenue Code, 1959 for correction of the record saying that he purchased the subject land through registered sale deed dated 07.02.1997, his name was also mutated earlier, however, by mistake the name of seller Smt. Sangeeta Agrawal is shown in the online portal which requires correction. The SDO called an enquiry report from Tehsildar Raipur who submitted his enquiry report on 27.08.2024 and then the SDO issued a general notice and called objections, however, no objections were received and then a report from the concerned Halka Patwari was also obtained. The respondent No.2&3 contested the application, however, after considering the entire evidence produced by the parties the SDO Raipur passed its order on 19.12.2024 and allowed the application of the respondent No.1 with a direction to correct the record in the name of respondent No.1 Sanjay Kumar Nachrani.

5. The order dated 19.12.2024 passed by the SDO Raipur was challenged by the respondent No.2 & 3 by filing their appeal before the Additional Collector, Raipur, in which he challenged the execution of sale deed in favour of Sangeeta Agrawal which was executed on 28.09.1991 and state that since the sale deed executed in favour of Sangeeta Agrawal itself if void, she was not having any right or title over the subject land and was not competent to alienate to the respondent No.1 in the year 1997 and they are the title and possession holder of the subject land. They are also claiming that despite having title and possession over the subject land, they have not been heard before passing the order by the SDO. Therefore, the order passed by the SDO is bad in law and the same may be set aside.

6. After considering the submissions made by the parties, the Additional Collector Raipur vide its order dated 09.07.2025 allowed the appeal filed by the respondents No.2&3 and the order passed by the SDO dated 19.12.2024 was set aside holding that before passing the order, the respondent No.2&3 i.e. the appellants before the Additional Collector, were not heard.

7. The order dated 09.07.2025 was further challenged by the respondent No.1 before the Commissioner Raipur Division by filing second appeal. The Second Appeal filed by the respondent No.1 was dismissed by the Commissioner vide its order dated 06.10.2025. Further, the order dated 06.10.2025 passed by the Commissioner was challenged by the respondent No.1 before the Board of Revenue by filing revenue revision which was allowed vide impugned order dated 09.03.2026 and the orders passed by the Additional Collector, Raipur as well as Commissioner Raipur Division were set aside and the order passed by the SDO Raipur is affirmed.

8. During the pendency of revenue revision before the Board of Revenue, the respondent No.2&3 alienated the subject land to the present petitioner through registered sale deed dated 10.11.2025 and thus she is challenging the order dated 09.03.2026 passed by the Board of Revenue on the ground that she was not made as party non applicant in the proceeding before the Board of Revenue and her right would be prejudiced. One another facts of the case is that, the respondents No.2&3 have filed a civil suit before Second Additional Judge to the Court of First Civil Judge Junior Division, Raipur, for declaration of title and permanent injunction vide Civil Suit No.492-A/2024 which is also pending.

9. Learned Senior Counsel appearing for the petitioner would submit that the petitioner is a bonafide purchaser of the subject land. She has substantive right and title over the property and without hearing them as party non applicant before the Board of Revenue, the impugned order has been passed. The petitioner was totally unaware about pendency of litigation between the parties and she bonafidely purchased the subject land from respondent No.2&3. Before the Board of Revenue, the respondent No.2&3 made an application on 27.01.2026 that they sold the subject land to the petitioner and thus the Board of Revenue was under obligation to implead the petitioner as party non applicant in the proceeding and in absence of rightful owner of the property, there may not be any effective adjudication. The impugned order passed by the Board of Revenue completely dehorse the provisions of Section 50 of the Land Revenue Code which provides that revision application cannot be decided without hearing the interested party. In the present case, the petitioner neither made as party non applicant nor served with any notice and she was completely deprived to put her case before the Board of Revenue. After its purchase, the name of petitioner has been mutated in the revenue records and thus she being the necessary party to the proceeding should have been impleaded as party non applicant and provided the opportunity of being heard. The petitioner would refer page 67 of the petition by which the Commissioner Raipur Division has observed in its order that the issue of title involved in the case and without there being any adjudication with respect to title of the respective parties, decided by competent civil suit, the order with respect to correction of revenue records cannot be passed. In the present case, the respondent No.2&3 were the title and possession holder of the property. They are challenging the sale deed in favour of Sangeeta Agrawal and subsequent sale deed in favour of the respondent No.1. Thus, the title of respondent No.1 itself is disputed and revenue record cannot be corrected in his name. Therefore, the application for grant of leave to challenge the order dated dated 09.03.2026 may be allowed and the impugned order dated 09.03.2026 may be set aside.

10. On the other hand, learned counsel for respondent No.1 on advance copy would oppose the submissions made by the counsel for the petitioner and have submitted that the respondent No.1 purchased the subject land through registered sale deed dated 07.02.1997 from its owner Sangeeta Agrawal who was the purchaser of subject land from its owner. Till 2024 the sale deed dated 29.06.1991 executed in favour of Sangeeta Agrawal and sale deed dated 07.02.1997 executed in favour of respondent No.1 was not challenged by the respondent No.2&3. Immediately after purchasing the subject land by respondent No.1 through registered sale deed on 07.02.1997 his name was mutated in the revenue records and he continued in its possession. It is only for a single year when by mistake the name of respondent No.1 could not shown in the web portal, he made his application for correction of records.

The respondent No.2&3 having fully known about earlier transaction, only to get the benefit of initial mutation in their names, raised the dispute for extraneous consideration. Throughout the proceeding from the court of SDO up to Board of Revenue, the respondent No.2&3 have duly contested their case and aware about all the proceedings and facts. During pendency of the revision filed by the respondent No.1 before the Board of Revenue, he sold the subject land to the petitioner and thus the transfer in favour of petitioner petitioner is covered by doctrine of lis pendese. When the respondent No.2&3 themselves have prosecuted a civil suit filed on 14.11.2024 before the competent civil court for declaration of title and permanent injunction, they themselves considered that their title is in cloud, yet they alienated the subject land to the petitioner. The petitioner also having well acquainted with the litigation between the parties entered into transaction and **hold** the liability of the respondent No.2&3. She is stepping into the shoes of respondent No.2&3 and therefore she cannot be said that she was the necessary party before the Board of Revenue as the respondent No.2&3 were duly contesting their case. He would further submit that Section 55 of Transfer of Property Act cost an obligation upon the buyer and seller of the land to get it verified before its transfer. The SDO has rightly considered that the sale deed executed in favour of respondent No.1 on 07.02.1997 was rightful sale by its seller Sangeeta Agrawal and has passed his order and also considered that the name of respondent No.1 was already mutated and by mistake the name of Sangeeta Agrawal was shown in the web portal. Further, when the respondent No.2&3 have already sold the land to Sangeeta Agrawal in the year 1991 itself, they were not the necessary party in the proceeding before the SDO, yet the Collector has allowed their appeal holding that they have not been provided any opportunity of hearing which itself is erroneous. Therefore, the order passed by the Board of Revenue is based under the proper appreciation of material available before it which does not suffer from any infirmity. The petitioner is stepping into the shoes of the respondent No.2&3 who is lis pendense purchaser and bound by the ultimate outcome of the adjudication. The respondent No.2&3 have not challenged the impugned order. She was not the bonafide purchaser and after knowing full well about the entire transaction she entered into transaction therefore, no relief can be granted to her to challenge the order dated 09.03.2026 and by dismissing her application, the writ petition may also be dismissed. In support of his contention, reliance has been placed in case of ***T.G. Ashok Kumar Vs. Govindmmal & Another, 2010(14)SCC 370.***

11. I have heard the counsel for the parties and perused the material annexed with the petition.

12. The proceeding arose on the application moved the respondent No.1 before the SDO for correction of record. It was claimed by the respondent No.41 that he purchased the subject land through registered sale deed dated 07.02.1997 from its owner Sangeeta Agrawal. At the time when the property was purchased by him, the name of Sangeeta Agrawal was mutated in the revenue records. After its purchase, his name was mutated in revenue record which continued since then. When the application for correction of record was made by respondent No.1 before the SDO, he called the report from Tehsildar Raipur, who submitted his report on 27.08.2024 and after considering the entire transaction, recommended for correction of record in favour of respondent No.1 observing that the respondent No.1 had purchased the subject land through registered sale deed dated 06.02.1997 (07.02.1997) and it was also considered in the recommendation by the Tehsildar that after its purchase on 07.02.1997 by the respondent No.1, his name was mutated in the revenue records through mutation No.72 vide order dated 19.03.1997 and Rin Pustika was also issued in his favour on 15.07.1997. It is only by mistake of the concerned Halka Patwari at the time of entry in Khasra roster, the subject land was shown in the name of other holder.

13. From the order of the SDO dated 19.12.2024 it transpires that the respondent No.2 Bahurlal Sahu filed his reply before the SDO and denied execution of any sale deed with respect to subject land and then the dispute arose between the parties which traveled up to Board of Revenue. During pendency of revision filed by the respondent No.1 before the Board of Revenue, the respondent No.2&3 filed their civil suit for declaration of title and permanent injunction over the suit land on 14.11.2024 before the Second Additional Judge to the court of First Civil Judge Senior Division, Raipur which was registered as Civil Suit No.492-A/2024. When the respondent No.2&3 are well aware about the transaction made in favour of Sangeeta Agrawal in the year, 1991, the transaction made by her in favour of respondent No.1 in the year, 1997 and pendency of revenue proceeding uptill the board of revenue, he ought to have disclosed the said fact to the petitioner who is the purchaser of subject land. Further, the petitioner was also under obligation to get the record of the land verified before its purchase or registration of deed. Section 55 of Transfer of Property Act, 1882, impose obligations upon the buyer and seller of the land under which the petitioner was to inquire about the land.

14. When the respondent No.1&2 themselves considered their title over the subject land is in cloud, they are prosecuting the suit for title and permanent injunction, they themselves have not the absolute title alienable title, yet they sold the subject land to the petitioner. The petitioner who purchased the subject land from respondent No.1&2 during pendency of revision before the Board of Revenue, is stepping into the shoes of its seller who duly contested their case up to the Board of Revenue. When the petitioner purchased the subject land in lis pendense, she is bound by ultimate outcome of the litigation and cannot claim any separate right of her own, but her right depends upon the rights of seller of the land.

15. In ***Rajender Singh & Others Vs. Santa Singh & Others, 1973(2)SCC 705,*** Hon. Supreme Court in para 14 & 15 held as under:

> "14. The background of the provision set out above was indicated by one of us (Beg, J.) in Jayaram Mudaliar v. Ayyaswami & Ors.(1). There, the following definition of lis pendens from Corpus Juris Secundum (Vol. LIV, p. 570) was cited :
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> "Lis pendens literally means a pending suit, and the doctrine of lis pendens has been defined as the jurisdiction, power, or control which a court acquires over property involved in a suit pending the continuance of the action, and until final judgment therein".
>
> It was observed there -
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> "Expositions of the doctrine indicate that the need for it arises from the very nature of the jurisdiction of Courts and their control over the subject-matter of litigation so that par- ties litigating before it may not remove any part of the subject matter outside the power of the Court to deal with it and thus make the proceedings infructuous."
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> 15. The doctrine of lis pendens was intended to strike at attempts by parties to a litigation to circumvent the jurisdiction of a court, in which a dispute on rights or interests in immovable property is pending, by private dealings which may remove the subject matter of litigation from the ambit of the court's power to decide a pending dispute of frustrate its decree.. Alienees acquiring any immovable property during a litigation over it are held to be bound, by an application of the doctrine, by the decree passed in the suit even though they may not have been impleaded in it. The whole object of the doctrine of Its pendens is to subject parties to the litigation as well as others, who seek to acquire rights in immovable property which are the subject matter of a litigation, to the power and jurisdiction of the Court so as to prevent the object of a pending action from being defeated."

16. In case of T.G. Ashok Kumar (Supra), the Hon. Supreme Court has observed as under :

> "12. In Jayaram Mudaliar v. Ayyaswami (AIR 1973 SC 569) this court held that the purpose of Section 52 of the Act is not to defeat any just and equitable claim, but only to subject them to the authority of the court which is dealing with the property to which claims are put forward. This court in Hardev Singh v. Gurmail Singh (2007) 2 SCC 404 held that Section 52 of the Act does not declare a pendente lite transfer by a party to the suit as void or illegal, but only makes the pendente lite purchaser bound by the decision in the pending litigation.
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> 13. The principle underlying Section 52 is clear. If during the pendency of any suit in a court of competent jurisdiction which is not collusive, in which any right of an immovable property is directly and specifically in question, such property cannot be transferred by any party to the suit so as to affect the rights of any other party to the suit under any decree that may be made in such suit. If ultimately the title of the pendente lite

> transferor is upheld in regard to the transferred property, the transferee's title will not be affected.
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> 19. It is necessary to refer to the hardship, loss, anxiety and unnecessary litigation caused on account of absence of a mechanism for prospective purchasers to verify whether a property is subject to any pending suit or a decree or attachment. At present, a prospective purchaser can easily find out about any existing encumbrance over a property either by inspection of the Registration Registers or by securing a certificate relating to encumbrances (that is copies of entries in the Registration Registers) from the jurisdictional Sub-Registrar under Section 57 of the Registration Act, 1908. But a prospective purchaser has no way of ascertaining whether there is any suit or proceeding pending in respect of the property, if the person offering the property for sale does not disclose it or deliberately suppresses the information. As a result, after parting with the consideration (which is many a time the life time savings), the purchaser gets a shock of his life when he comes to know that the property purchased by him is subject to litigation, and that it may drag on for decades and ultimately deny him title to the property. The pendente lite purchaser will have to wait for the litigation to come to an end or he may have to take over the responsibility of conducting the litigation if the transferor loses interest after the sale. The purchaser may also face objections to his being impleaded as a party to the pending litigation on the ground that being a lis pendens purchaser, he is not a necessary party. All these inconveniences, risks, hardships and misery could be avoided and the property litigations could be reduced to a considerable extent, if there is some satisfactory and reliable method by which a prospective purchaser can ascertain whether any suit is pending (or whether the property is subject to any decree or attachment) before he decides to purchase the property."

17. So far as impleadment of petitioner and issuance of notice to her is concerned, true it is Section 50 of the Land Revenue Code provides that the parties should be heard in revision before passing any order, yet, in the present case the respondent No.2&3 were the party and during pendecy of revision they sold the subject land to the petitioner as has been held earlier that the respondent No.2&3 were contesting their case before the Board of Revenue and during pendency of proceeding they sold the subject land and the lis pendense purchaser stepping in the shoes of its seller, are not the necessary party to the proceeding and she was bound by the ultimate outcome of the proceeding. One cannot presume that she purchased the property from the respondent No.2&3 for such a huge amount of consideration of Rs. 1,20,28,000/- without verification of any defect or was not having any knowledge about the proceeding particularly when the respondent No.2&3 were prosecuting the civil suit.

18. The judgment cited by the counsel for the petitioner in cases of Seema Bansal (Smt.) Vs. State of MP & Others, 2019 Supreme (MP) 582 and Vivek Kumar Vs. Rameshwar, 2019 Supreme (MP) 577, are distinguishable with the facts of present case and does not give any benefit to the petitioner. Further, the judgment cited by the petitioner in case of Yogesh Goyanka Vs. Govind and Others, 2024(7)SCC 524 and Basant Kumar Vs. Sub Divisional Officer & Others, 2024 SCC Online MP 5816 are also distinguishable to the facts of the present case and no benefit can be extended to the petitioner.

19. Accordingly, I do not find any scope for interference in the present writ petition and to grant leave to challenge the order dated 09.03.2026. Consequently, IA No.01/2026, filed by the petitioner to grant leave to challenge the order dated 09.03.2026 is dismissed and as a corollary consequence, the writ petition also stands dismissed.

Sd/-
(Ravindra Kumar Agrawal)
Judge

inder