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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 2130 of 2026

1 - Biman Roy S/o- Late Shri Shashank Shekhar Roy, Aged About 56 Years R/o- Surya Vihar, Seepat Road, Sarkanda, Bilaspur (C.G.)
2 - Mr. Vivek Roy S/o- Late Shri Shashank Shekhar Roy, Aged About 54 Years R/o- Behind Sheela Niwas, Madhuban Road, Sarkanda, Bilaspur (C.G.)

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through Collector, District- Bilaspur
2 - The Commissioner (Revenue) Bilaspur Division, (C.G.)
3 - The Tahasildar, Bilaspur, Revenue And Civil Bilaspur (C.G.)
4 - Mr. Samar Nayak S/o- Late Shashank Shekhar Roy, Behind Sheela Niwas, Madhu Bhan Road, Bilaspur Chhattisgarh
5 - Mr. Vikas Nayak, S/o- Late Shashank Shekhar Roy, Opposite Narang Niwas, Madhu Bhan Road, Bilaspur Chhattisgarh.
6 - Nilesh Gupta, S/o- Shri Babulal Gupta R/o- Punjabi Colony, Shanti Niketan School, Dayal Bandh (C.G.)

... Respondents

(Cause-title taken from the Case Information System)

For Petitioners :- Mr. Tessy Abraham, Advocate
For State :- Mr. Shobhit Mishra, Dy.G.A.

SB- Hon'ble Shri Justice Amitendra Kishore Prasad

Order On Board

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06.05.2026

1. The petitioners have filed the present petition under Article 227 of the Constitution of India seeking appropriate direction to the respondent authorities, particularly Respondent No. 2 – Commissioner, Bilaspur Division, to decide the mutation/succession proceedings pending before him for a considerable period, and for ancillary reliefs.

2. The case of the petitioners, in brief, is that the properties in question were self-acquired properties of late Smt. Sheela Roy, who, during her lifetime, purchased various lands situated at Mouza Juna Bilaspur. After her death, it is alleged that the revenue authorities mutated the properties solely in the name of her husband late Shri Shashank Shekhar Roy, without following due procedure and without recording the names of all legal heirs. It is further the case of the petitioners that certain properties have also been alienated on the strength of such mutation, thereby adversely affecting their rights. The petitioners submit that mutation/succession proceedings bearing Revenue Case No. **73-A-6/2018-19** are pending before the Commissioner, Bilaspur Division since **16.03.2019**, however, the same have not been decided till date.

3. Following reliefs have been prayed by way of this petition:-

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"10.1 That, this Hon'ble Court may kindly be pleased to direct the revenue authorities not to issue or register any sale deed, transfer, sanad or other documents in respect of khasara nos. 102/10, 102/26, 775/7 and 197/4 situated at Mauza Juna Bilaspur, Patwari Halka No.36, Tahsil and District Bilaspur, pending disposal of the mutation proceedings and rights of succession.

10.2 That, this Hon'ble Court may kindly be pleased to restrain the respondent no. 4 and 5 from disposing, alienating, encumbering or creating any third-party rights in respect of the above lands until final decision on mutation/ succession proceedings.

10.3 Direct the commissioner, revenue to expeditiously decide revenue case no. 73/6/2018-19, which is pending since 16-03-2019, within a time bound manner.

10.4 Direct the authorities to conduct an inquiry into the illegal mutation allegedly done in revenue case no 131/A-6/1996-97 dated 12.12.1996.

10.5 That, this Hon'ble Court may Quash the illegal mutation made in favour of Late. Shri Shashank Shekhar Roy.

10.6 Direct, the Revenue Authorities, Bilaspur to hold an independent and comprehensive inquiry into the acquisition, title and mutation history of all the lands originally purchased by Late. Smt. Sheela Roy, namely Khasara Nos. 775/, 197/4,102/10 and 102/26, so as to ascertain the correct legal ownership and the rights of the petitioners and other heirs, and record the mutation only in conformity with the findings of such inquiry.

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10.7 Any other relief, which this Hon'ble Court, may deem fit and proper, in the facts and circumstances of the case."

4. Learned counsel for the petitioners submits that despite lapse of several years, the appeal/revenue proceedings pending before the Commissioner, Bilaspur Division have not been adjudicated. It is contended that such inaction on the part of the authority is arbitrary and has resulted in serious prejudice to the petitioners, as their rights over the property remain undecided. He further submits that the petitioners would be satisfied if a direction is issued to Respondent No. 2 to decide the pending proceedings within a time-bound manner.

5. Learned State counsel submits that the matter is pending before the competent authority and appropriate orders shall be passed in accordance with law. He has no objection if a direction is issued for expeditious disposal of the pending proceedings.

6. Having heard learned counsel for the parties and on perusal of the record, it is evident that the mutation/succession proceedings bearing Revenue Case No. **73-A-6/2018-19** are pending before the Commissioner, Bilaspur Division since the year 2019.

7. Considering the nature of the dispute and the fact that the matter pertains to mutation and succession rights, this Court is of the opinion that the proceedings ought to be decided within a reasonable time. Prolonged pendency of such proceedings

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defeats the rights of the parties and leads to multiplicity of litigation.

8. Accordingly, considering the facts and circumstances of the case, the present petition is disposed of with the following directions that the Respondent No. 2 – Commissioner, Bilaspur Division is directed to decide the pending revenue appeal/proceedings bearing Case No. 73-A-6/2018-19 expeditiously, preferably within a period of 30 days from the date of receipt of a copy of this order.

9. The authority shall afford proper opportunity of hearing to all concerned parties and shall pass a reasoned and speaking order strictly in accordance with law.

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

11. With the aforesaid observations and directions, the petition stands **disposed of.**

sd/-

(Amitendra Kishore Prasad)
Judge

Vishakha