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HIGH COURT OF CHHATTISGARH AT BILASPUR

WP227 No. 1248 of 2026

1 - Narayan Soni S/o Manglu Soni Aged About 93 Years Residents Of Village Arang, Tahsil Arang, District Raipur (C.G.)

2 - Ramkumar Soni S/o Narayan Soni Aged About 57 Years Residents Of Village Arang, Tahsil Arang, District Raipur (C.G.)

3 - Ramadhar Soni S/o Narayan Soni Aged About 63 Years Residents Of Village Arang, Tahsil Arang, District Raipur (C.G.)

4 - Rajesh Soni S/o Narayan Soni Aged About 49 Years Residents Of Village Arang, Tahsil Arang, District Raipur (C.G.)

... Petitioner(s)

versus

1 - Kumari Niramala Soni D/o Radhelal Soni Aged About 63 Years R/o Village Arang, Guptapara, Near Bhagirathi School Arang, Tahsil Arang, District Raipur (C.G.)

2 - Gitadevi D/o Radhelal Soni Aged About 60 Years R/o Village Arang, Guptapara, Near Bhagirathi School Arang, Tahsil Arang, District Raipur (C.G.)

3 - Pushpadevi D/o Radhelal Soni Aged About 59 Years R/o Village Arang, Guptapara, Near Bhagirathi School Arang, Tahsil Arang, District Raipur (C.G.)

4 - Smt. Maya Widow Of Late Jwala Prasad Soni Aged About 61 Years R/o Behind Kankalipara Mandir, Kankalipara, Raipur, Tahsil And District Raipur (C.G.)

5 - Smt. Chandrakanta D/o Radhelal Soni Aged About 58 Years R/o Village Arang, Guptapara, Near Bhagirathi School Arang, Tahsil Arang, District Raipur (C.G.)

6 - Kumari Suryakanta D/o Radhelal Soni Aged About 56 Years R/o Bramhanpara, Raipur, Tahsil And District Raipur (C.G.)

7 - Kumari Durga D/o Radhelal Soni Aged About 57 Years R/o Village Arang, Guptapara, Near Bhagirathi School Arang, Tahsil Arang, District Raipur (C.G.)

8 - Smt. Kasturi Bai W/o Narayan Soni R/o Village Arang, Tahsil Arang, District Raipur (C.G.) (Since Dead However The Name Was Not Deleted Before The Lower Court)

9 - Gajanand S/o Radhelal Soni (Dead) Through Legal Representatives

9.1 - (A) Sarita Soni Widow Of Late Gajanand Soni Aged About 63 Years Resident Of Near Hanuman Mandir, Bramhanpara Raipur, Tahsil And District Raipur (C.G.)

9.2 - (B) Sunil Soni S/o Late Gajanand Soni Aged About 26 Years Resident Of Near Hanuman Mandir, Bramhanpara Raipur, Tahsil And District Raipur (C.G.)

9.3 - (C) Suraj Soni S/o Late Gajanand Soni Aged About 24 Years Resident Of Near Hanuman Mandir, Bramhanpara Raipur, Tahsil And District Raipur (C.G.)

... Respondent(s)

(Cause-title taken from Case Information System)

For Petitioner(s) : Mr. Alok Bakshi, Advocate.

Hon'ble Shri Justice Ravindra Kumar Agrawal, J.
Order on Board

24/09/2026

Heard.

1. Present is a writ petition under Article 227 of the Constitution of India filed by the petitioner against the impugned order dated 24.06.2026 passed by the Board of Revenue, Bilaspur (Circuit Court at Raipur) in Revenue Revision Case No. R.N./14/R/A-6/28/22, whereby the revision filed by the respondents has been allowed and the order dated 20.12.2021 passed by the Commissioner, Raipur Division, has been set aside.

2. Learned counsel for the petitioners would submit that the sister of the petitioner Narayan, namely, Buchi Bai, was also having joint right and title over the subject property along with petitioner No. 1 Narayan. A deed of relinquishment allegedly executed by Buchi Bai, was submitted before the Revenue Inspector on 19.06.1981. Thereafter, her name was deleted from the revenue records and the name of the present petitioner No. 1 Narayan alone remained recorded in the revenue records. After about 15 years, Buchi Bai initiated a proceeding before the Additional Tehsildar, Arang, by filing an application under Sections 109/110 of the M.P. Land Revenue Code, 1959, for mutation of her name in the revenue records, which was pending for some time. In the meantime, Buchi Bai had also filed an appeal against the said entries made in the Namantran Panji dated 19.06.1981 before the Sub-Divisional Officer (Revenue), Raipur. In the said appeal, she also filed an application under Section 5 of the Limitation Act for condonation of delay in filing the appeal. The Sub-Divisional Officer, Raipur, vide its order dated 21.06.2001, allowed the application filed by Buchi Bai under Section 5 of the Limitation Act and the delay was condoned. The proceeding initiated by Buchi Bai under Sections 109/110 of the M.P. Land Revenue Code was not pressed and the said proceeding was dropped vide order dated 28.09.1998. On the other hand, against the order dated 21.06.2001 passed by the SDO (Revenue), Raipur, the petitioners challenged the same before the Additional Collector, Raipur, by filing their revision under Section 50 of the Land Revenue Code, and the said revision was dismissed vide order dated 25.06.2002. Thereafter, the petitioners further challenged the order passed by the Additional Collector, Raipur, before the Chhattisgarh Board of

Revenue, Bilaspur, Circuit Court at Raipur. In the said proceeding before the Board of Revenue, the order passed by the SDO (Revenue), Raipur, was affirmed, whereby the delay in filing the appeal was condoned. The said order dated 20.07.2004 passed by the Board of Revenue has not been further challenged.

3. He would further submit that in the appeal before the SDO (Revenue), Raipur, the appeal was finally decided on 24.03.2007, whereby the appeal was allowed and the mutation order dated 19.06.1981, by which the name of Buchi Bai was deleted, was set aside, and the SDO (Revenue), Raipur, directed to mutate the names of the legal heirs of the deceased Buchi Bai, as Buchi Bai had died by that time. The order dated 24.03.2007 passed by the SDO, Raipur, was challenged by the petitioners before the Commissioner, Raipur Division, who, on the ground of limitation as well as on merits, allowed the revision filed by the petitioners and set aside the order passed by the SDO (Revenue), Raipur, dated 24.03.2007. Against the order dated 20.12.2021 passed by the Commissioner, Raipur Division, the respondent filed a revision before the Board of Revenue, which was allowed by the impugned order dated 24.06.2026, and the order passed by the Commissioner, Raipur Division, dated 20.12.2021 was set aside and the order passed by the SDO, Raipur, dated 24.03.2007 was affirmed. Hence, the present petition.
4. He would further submit that the petitioners are claiming the subject property through the deed Annexure P/9, which is, in fact, not a relinquishment deed but a family settlement, by which the petitioners are claiming title over the subject property, and on the basis of that document, her name was deleted. After such a long time, Buchi Bai

again challenged the same. Once she admitted the execution of the deed and her name had been deleted, she cannot resile from her admission, and the longstanding possession over the subject property cannot be disturbed only on the ground of non-registration of the said deed. The order passed by the Commissioner is on the ground of delay as well as on the merits of the case; however, the Board of Revenue, on the basis of surmises and conjectures, set aside the order passed by the Commissioner, holding that the Commissioner's order was based on consideration of limitation for filing the appeal before the SDO. The registration of the deed is not required, as it was not a relinquishment deed but only a family settlement deed, for which no registration is required. Therefore, the order passed by the Board of Revenue suffers from perversity and illegality and is liable to be set aside.

5. I have heard learned counsel for the petitioner and perused the documents annexed with the petition.
6. The sequence of events, that is, the mutation order dated 19.06.1981 by which the name of Buchi Bai was deleted from the revenue record, initiation of the proceeding before the Additional Tahsildar, Arang, by Buchi Bai and subsequently withdrawn on 28.09.1998, filing of the appeal by Buchi Bai before the SDO, Raipur, passing of the order dated 21.06.2001 by the SDO, by which the delay in filing the appeal was condoned, and subsequently filing of the appeal and the revision which travelled up to the Board of Revenue, are not in dispute. It is the subsequent order passed by the SDO (Revenue), which was on the merits of the case, dated 24.03.2007, initially filed by Buchi Bai, who subsequently died. In the said appeal, the SDO has observed that

since the deed Annexure P/9 is a relinquishment deed, the relinquishment deed requires registration as provided under law, and from the evidence produced by the parties, it has not been established that Buchi Bai had voluntarily executed the said deed. Accordingly, the mutation order dated 19.06.1981 was set aside and directions were issued for mutation of the names of the legal heirs of the deceased Buchi Bai.

7. From perusal of the order passed by the Additional Commissioner, Raipur Division, it transpires that the Additional Commissioner, Raipur Division, has considered the delay in filing the appeal before the SDO and observed that the day-to-day delay had not been explained by the appellant Buchi Bai and that the document was allegedly executed 49 years back and was executed in the presence of the witnesses whose signatures are there in the said deed. The statement made by Buchi Bai that she is illiterate is also not acceptable, as she has passed Class-2 and was well aware of her signature. Considering these aspects, the Commissioner, Raipur Division, allowed the revision filed by the petitioners and set aside the order passed by the SDO (Revenue), Raipur, against which the revision was filed by the respondents before the Board of Revenue, which was allowed. It is relevant to note here that when the SDO (Revenue), Raipur, by its order dated 21.06.2001, condoned the delay in filing the appeal filed by Buchi Bai, which travelled up to the Board of Revenue, the Board of Revenue affirmed the order passed by the SDO, by which the delay was condoned, vide its order dated 20.07.2004, the said issue can not be reconsidered. The order passed by the Board of Revenue dated 20.07.2004 remained unchallenged by any of the parties and attained

finality. Meaning thereby, the condonation of delay in filing the appeal by Buchi Bai before the SDO, Raipur, had attained finality. Therefore, the Commissioner had no jurisdiction to re-examine the delay part of the appeal filed by Buchi Bai, as the same had already been considered up to the Board of Revenue.

8. Further, the Additional Commissioner has considered that the relinquishment deed was executed 49 years back in the presence of two witnesses and that Buchi Bai's statement is acceptable for the reason that she had passed Class-2 and, therefore, cannot be said to be illiterate. In the opinion of this Court, the consideration of the Commissioner is perverse in view of the fact that, even after the long lapse of time, the requirement of law is that the relinquishment deed should be registered, as the title has been transferred by the said deed, and without there being any registered relinquishment deed, the title could not be transferred even if it was executed in the presence of two witnesses. Therefore, in the absence of any registered relinquishment deed, the Additional Commissioner, Raipur, ought not to have allowed the revision filed by the petitioners and set aside the order passed by the SDO. The Board of Revenue, after considering the material aspects of the legal provisions of Section 17 of the Indian Registration Act, 1908, as well as Sections 54, 59 and 118 of the Transfer of Property Act, 1882, observed that the title of property valued at more than Rs.100/- can only be transferred through a registered deed. However, the deed allegedly executed by Buchi Bai in favour of the petitioners is an unregistered deed. Therefore, the Board of Revenue set aside the order passed by the Additional Commissioner, Raipur Division, and affirmed the order passed by the

SDO (Revenue), Raipur. After having gone through the entire material produced by the petitioners, the legal provisions, as well as the orders passed by the Revenue authorities, I do not find any perversity or jurisdictional error which warrants interference in the impugned order.

9. The writ petition accordingly fails and is hereby **dismissed**.
10. The petitioners are at liberty to avail the appropriate remedy for redressal of their claim before the appropriate forum.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sagrika