



CGHC010182132021

2026:CGHC:37245
NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPC No. 3070 of 2021**

Smt. Usha Sahu W/o S.R. Sahu Aged About 60 Years Occupation Business,
Partner Of M/s Geetanjali Construction, Ameri Road, Nehru Nagar, Bilaspur,
R/o Geetanjali House, Ameri Road, Nehru Nagar Bilaspur District Bilaspur
Chhattisgarh., District : Bilaspur, Chhattisgarh

... Petitioner**versus**

1 - State Of Chhattisgarh Through Secretary, Department Of Urban And Rural
Administration, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur
Chhattisgarh.

2 - Municipal Corporation Bilaspur, Through Its Commissioner, Municipal
Corporation Bilaspur, Vikas Bhawan, Nehru Chowk, Bilaspur District Bilaspur
Chhattisgarh.

3 - Deputy Registrar Registrar Office, Bilaspur, District Bilaspur Chhattisgarh.

... Respondents

For Petitioner	:	Mr. Malay Shrivastava, Advocate
For State/Respondent No.1& 3	:	Ms. Shailja Shukla, Govt. Advocate
For Respondent No.2	:	Mr. Anadi Sharma, Advocate

BALRAM
PRASAD
DEWANGAN
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by BALRAM
PRASAD
DEWANGAN

S.B.: Hon'ble Shri Parth Prateem Sahu, Judge

Order On Board**19/08/2026**

1. Petitioner has filed this writ petition seeking following relief (s) :-

“10.1 That, this Hon’ble Court may kindly be pleased to quash the order dated 05.04.2021 passed by the respondent No.2 and 01.07.2021 passed by respondent No.3.

10.2 That, this Hon’ble Court may kindly be pleased to direct the respondent No.3 to register the sale deed of the petitioner dated 30.06.2021 for the land.

10.3 Any other relief (s)/order (s)/direction (s) in favour of the petitioner, which this Hon’ble Court may deem fit and proper in the facts and circumstances of the case, in the interest of justice.

10.4 Cost of the petition.”

2. Learned counsel for petitioner would submit that petitioner is owner of the land bearing Kh. No.909/2 situated at village – Khamtarai, Tahsil and District- Bilaspur. Petitioner is intending to sale her land and in that process an agreement was entered into between petitioner and one Rina Pandey and thereafter, sale deed was submitted before the Sub-Registrar, Bilaspur for registration of sale deed. The total area of the land bearing Kh. No.909/2 is 940 sq.ft. and entire land is proposed to be sold. He further contended that action of non-registration of sale deed by Sub-Registrar and returning the same vide Annexure P-2 is based on the letter dated 05.04.2021, written by respondent No.2/Commissioner Municipal Corporation, Bilaspur. Respondent No.2 is having no jurisdiction to send a letter to the Sub-Registrar requesting for, not to register the sale deed of the land as mentioned in the list enclosed along with letter, therefore, the letter written by respondent No.2/Corporation is without any authority of law.

3. Learned counsel for respondent No.2 would submit that submission of learned counsel for petitioner with regard to description/area of the land is not correct. He contended that in the subject matter in brief of writ petition, it is pleaded that on the land bearing Kh. No. 909/2 a house is constructed, which comes within the colony of M/s. Geetanjali Ciety, Phase-II. He also contended that under Section 292 of the Municipal Corporation Act, 1956, there is specific provision of taking action against illegal colonization and according to respondent No.2, letter is with regard to land which is falling within illegal colonization, therefore, there is no error on the part of the respondent No.2 in writing such letter. He also contended that recently the State of Chhattisgarh had issued a circular directing all the Collectors of State not to issue any direction of banning of registry as it is causing difficulties to the general public at large.
4. Learned State counsel also opposes the submission of learned counsel for petitioner and would submit that petitioner is having efficacious remedy.
5. At this stage, learned counsel for petitioner would submit that earlier writ petition was dismissed vide order dated 05.08.2021 on the ground that petitioner is having efficacious alternate remedy of filing appeal under Section 72 of the Registration Act, before the Registrar. The order dated 05.08.2021 is put to challenge in WA No. 297 of 2021, which was allowed vide order dated 21.02.2023 and writ petition was again registered with its original number for deciding it afresh in accordance with law.

6. I have heard learned counsel for parties and perused the documents placed on record.
7. Annexure P-1 is letter dated 05.04.2021, written by Commissioner, Municipal Corporation, Bilaspur to Sub-Registrar, Bilaspur requesting not to register the sale deed of land as mentioned in the column No. 7 of the list. Annexure P-2 is letter written by Sub-Registrar/Respondent No.3 to petitioner mentioning that sale deed submitted for registration before Sub-Registrar is returned back to petitioner and on the subject of this letter it is mentioned of letter written by Commissioner, Municipal Corporation. From perusal of Annexure P-2 it is apparent that returning of sale deed submitted for its registration by Sub-Registrar is only because of letter written by Commissioner, Municipal Corporation.
8. To appreciate the submission of learned counsel for respondent No.2 that respondent No.2 can take action in accordance with the provision under Section 292 (a) to 292 (i). Perusal of the aforementioned provision, does not provide for such an action sending letter to Sub-Registrar not to register sale deed of any of the land within their territory but it provides for taking action against persons with regard to illegal colonization. If respondent No.2 comes to the conclusion that plot or house is part of illegal colonization, then respondent No.2 can very well take action in accordance with the provisions as provided under the Act of 1956, but under the Act of 1956, there is no provision for writing letter to Sub-Registrar for not registering the sale deed of the land to be mentioned in the letter.

9. So far as the submission of learned State counsel with regard to alternate remedy, order passed in WA No. 297 of 2021, dated 21.02.2023 is part of record. Relevant paragraphs of order passed in writ appeal is extracted below for ready reference.

“7. There is no gainsaying the fact that the appellate authority can examine whether the registering authority has committed illegality in refusing to register a sale deed. In the present case, what cannot be lost sight of the fact is that there is a letter dated 05.04.2021 issued by the Commissioner, Municipal Corporation directing not to register sale deeds in respect of the Khasra numbers which have been mentioned in the annexure to the letter dated 05.04.2021.

8. It is not within the domain of the appellate authority to examine competence or authority of the Commissioner, Municipal Corporation to issue such letter. This aspect of matter was not considered by the learned Single Judge. Therefore, we are of the opinion that the appellant ought not to have been relegated to avail alternative remedy.”

10. In the above order, Division Bench of this Court has clearly observed that “it is not within the domain of the appellate authority to examine the competency or authority of the Commissioner, Municipal Corporation to issue such letter” and thereafter, order passed in the writ petition was set-aside and matter was remanded back.
11. In the above facts of the case, submission/objection of learned counsel for State is not sustainable and accordingly it is repelled.

12. The authorities can initiate proceedings in accordance with the powers as provided therein to it under law. Respondent No.2 acts in accordance with the provisions as provided under the Act of 1956 and the rules framed thereunder. During the course of argument it cannot be brought to the notice of this Court that respondent No.2 was clothed with powers to make request to Sub-Registrar not to register the sale deed placed before Sub-Registrar by seller and purchaser.
13. In the aforementioned facts of the case in the opinion of this Court, respondent No.2 committed error in writing letter (Annexure P-1) to Sub-Registrar, therefore, letter (Annexure P-1) dated 05.04.2021 so far as it relates to petitioner's land is hereby quashed. As respondent No.3 has returned the sale deed placed before it for registration only on the basis of Annexure P-1, which is quashed so far as it relates to petitioner, therefore, letter dated 01.07.2021 (Annexure P-2) written by respondent No.2 is also quashed.
14. Accordingly, this writ petition is allowed.

Sd/-
(Parth Prateem Sahu)
Judge

Balram