



CGHC010295162026

2026:CGHC:40739-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WA No. 871 of 2026

Alimunddin S/o Gulamnabi Aged About 56 Years R/o Village-
Balrampur, Tahsil- Balrampur Distt.- Balrampur-Ramanujganj (C.G.)

... Appellant

versus

1 - State Of Chhattisgarh Through- The Secretary, Department Of
Revenue Mahanadi Bhawan New Raipur Distt. Raipur (C.G.)

2 - Commissioner Surguja Division Ambikapur Distt. Surguja (C.G.)

3 - The Collector Balrampur, Distt. Balrampur-Ramanujganj (C.G.)

4 - Tahsildar Balrampur, Distt.- Balrampur-Ramanujganj (C.G.)

5 - Vikesh Gupta S/o Dwarika Gupta Aged About 36 Years R/o Village-
Dahejwar, Tahsil - Balrampur Distt. Balrampur-Ramanujganj (C.G.)

6 - Vishal Gupta S/o Late Mathura Sao Aged About 52 Years R/o
Village- Bhedami, Tahsil- Balrampur Distt.- Balrampur-Ramanujganj
(C.G.)

... Respondents

For Appellant : Mr.A.N.Pandey, Advocate

For Respondents : Mr.P.K.Bhaduri, Deputy Advocate General

No.1 to 4/State

For Respondent : Mr.Sourabh Sahu, Advocate

No.6

Hon'ble Shri Krushna Ram Mohapatra, Chief Justice

Hon'ble Shri Santosh Sharma, Judge

Judgment on Board

Per Krushna Ram Mohapatra, Chief Justice

18.09.2026

1. Heard Mr.A.N.Pandey, learned counsel for the appellant as well as Mr.P.K.Bhaduri, learned Deputy Advocate General appearing for respondents No.1 to 4/State and Mr.Sourabh Sahu, learned counsel appearing for respondent No.6.
2. The present intra-court appeal has been filed assailing the order dated 13.07.2026 (Annexure A-1) passed by learned Single Judge in WPC No. 4167 of 2023.
3. By virtue of the impugned order under Annexure A-1, learned Single Judge dismissed the writ petition holding that the appellant (writ petitioner) does not have *locus standi* to maintain a writ petition under Article 226 of the Constitution of India 1950.
4. Mr.A.N.Pandey, learned counsel for the appellant vehemently argued that the appellant along with respondent No.5-Vikesh Gupta filed a complaint before the Collector, Balrampur / respondent No.3 alleging that the land in question has been purchased by respondent No.6 namely Vishal Gupta without obtaining prior permission of the Collector under Section 165 (7-b) of the Chhattisgarh Land Revenue Code, 1959 (for brevity “the Code”). Elaborating the case of the appellant, it is contended that the land in question was allotted by the State Government in favour of Dwarika Gupta in the year 1987 (not made a party either

to the writ petition or to the writ appeal). Subsequently, he alienated the property to respondent No.6 on 20.05.2019 by executing registered sale deed without obtaining prior permission of the Collector or the competent authority as mandated under Section 165 (7-b) of the Code. The illegality came to the knowledge of the appellant as well as Vikesh Gupta (respondent No.5), the son of the vendor, in the year 2023. Accordingly, they made a complaint before the Collector on 6.7.2023. The Collector on consideration of the material vide its order dated 22.02.2023 set aside the sale in question in favour of respondent No.6. Assailing the same, respondent No.6 preferred the revision under Section 50 of the Code before the Commissioner, Surguja Division / respondent No.2. The Commissioner, taking note of the provision under Section 158(4) of the Code, held that after the lapse of 20 years, said Dwarika Gupta acquired absolute title over the property (*Bhumiswami right*) in terms of sub-section (1) of Section 158 of the Code. Thus, the complaint was not maintainable being filed after a lapse of more than 37 years. It was further observed that the transfer was made by virtue of a registered sale deed executed by the *Bhumiswami*, namely, Dwarika Gupta. As such, the Commissioner allowed the revision. Being aggrieved, the appellant filed the writ petition. Although respondent No.5 filed the complaint along with the appellant, but he was impleaded as respondent No.5 to the writ petition.

5. Mr.Pandey, learned counsel for the appellant further submits that

Section 158(4) was inserted in the Code by virtue of the amendment in the year 2022, but the sale in question was effected in the year 2019. Thus, the amended provision under Section 158(4) of the Code is not applicable to the sale in question. He accordingly submits that this material aspect was lost sight of by learned Single Judge for which the impugned order warrants interference.

6. Mr.P.K.Bhaduri, learned Deputy Advocate General appearing for respondents No.1 to 4/State elaborating the facts of the case submits that in view of incorporation of the provision under Section 158(4) to the Code, the land allottee namely Dwarika Gupta became the *Bhumiswami* in terms of Section 158(1) of the Code. As such, he had all the rights and be subject to all the liabilities under the Code. Thus, the sale in question does not suffer from any legal infirmity as it has been done by the Bhumiswami after a lapse of more than 37 years. He accordingly submits that the writ appeal, being devoid of any merits, is liable to be dismissed.
7. Mr.Sourabh Sahu, learned counsel who appears for respondent No.6, on receipt of an advance copy, supports the submission made by Mr.Bhaduri, learned Deputy Advocate General. He submits that there is no illegality in effecting the sale in favour of respondent No.6. It is further submitted that learned Single Judge taking note of the facts and circumstances of the case, has rightly

held that the appellant has no *locus standi* to file a writ petition under Article 226 of the Constitution of India as he is not a person aggrieved. He therefore prays for dismissal of the writ appeal.

8. Heard learned counsel for the parties and perused the materials on record. We have also gone through the relevant provisions referred to by learned counsel for the parties.
9. Section 158 of the Code reads as under:-

“158. Bhumiswami.”-(1) Every person who at the time of coming into force of this Code, belongs to any of the following classes shall be called a Bhumiswami and shall have all the rights and be subject to all the liabilities conferred or imposed upon a Bhumiswami by or under this Code, namely :-

(a) every person in respect of land held by him in the Mahakoshal region in Bhumiswami or Bhumidhari rights in accordance with the provisions of the Madhya Pradesh Land Revenue Code, 1954 (II of 1955);

(b) every person in respect of land held by him in the Madhya Bharat region as a Pakka tenant or as a Muafidar, Inamdar or Concessional holder, as defined in the Madhya Bharat Land Revenue and Tenancy Act, Samvat 2007 (66 of 1950);

(c) every person in respect of land held by him in the Bhopal region as an occupant as defined in the Bhopal State Land Revenue Act, 1932 (IV of 1932);

(d) (i) every person in respect of land held by him in the Vindhya Pradesh region as a pachapan paintalis tenant, pattedar tenant, a grove holder or as a holder of tank as defined in the Vindhya Pradesh Land Revenue and Tenancy Act, 1953 (III of 1955);

(ii) every person in respect of land (other than land which is a grover or tank or which has been acquired or which is required for Government or public purposes) held by him in the Vindhya Pradesh region as a gair haqdar tenant and in respect of which he is entitled to a patta in accordance with the provisions of sub-section (4) of Section 57 of the Rewa State Land Revenue and Tenancy Code, 1935,

(iii) every person in respect of land held by him as a tenant in the Vindhya Pradesh region and in respect of which he is entitled to a patta in accordance with the provisions of sub-sections (2) and (3) of Section 151 of the Vindhya Pradesh Land Revenue and Tenancy Act, 1953 (III of 1955), but has omitted to obtain such patta before the coming into force of this Code.

(e) every person in respect of land held by him in Sironj region as a khatedar tenant or as a grove holder as defined in the Rajasthan Tenancy Act, 1955 (3 of 1955).

(2) A Ruler of an Indian State forming part of the State of Chhattisgarh who, at the time of coming into force of this Code, was holding land or was entitled to hold land as such Ruler by virtue of the covenant or agreement

enter entered into by him before the commencement of the Constitution, shall, as from the date of coming into force of this Code, be a Bhumiswami of such land under the Code and shall be subject to all the rights and liabilities conferred and imposed upon a Bhumiswami by or under this Code.

(3) Every person-

(i) who is holding land in Bhoomiswami right by virtue of a lease granted to him by the State Government or the Collector or the Allotment Officer on or before the commencement of the Madhya Pradesh Land Revenue Code (Amendment) Act, 1992 from the date of such commencement, and

(ii) to whom land is allotted in Bhoomiswami right by the State Government or the Collector or the Allotment Officer after the commencement of the Madhya Pradesh Land Revenue Code (Amendment) Act, 1992 from the date of such allotment,

shall be deemed to be a Bhoomiswami in respect of such land and shall be subject to all the rights and liabilities conferred and imposed upon a Bhoomiswami by or under this Code:

Provided that no such person shall transfer such land within a period of ten years from the date of lease or allotment.

(4) Every person, who is holding land by virtue of lease of agricultural purpose granted to him by the State Government or the Collector or the Allotment Officer,

on the date of completion of 20 years since the date of such allotment, shall be deemed to be a Bhoomiswami in respect of such land and shall be subject to all the rights and liabilities conferred and imposed upon a Bhoomiswami by or under this Code.

(5) Person holding Free-hold Right in Government land allotted under non-agricultural purpose, shall be Bhumiswami in relation to that land.”

10. Section 158(4) of the Code was inserted into the Statute Book on 7.10.2022. The said provision envisages that every person, who is holding the land by virtue of lease of agricultural purpose granted to him by the State Government or the Collector or the Allotment Officer, on the date of completion of 20 years since the date of allotment, shall be deemed to be a Bhumiswami in respect of such land. Thus, said Dwarika Gupta who was allotted with the land in question became a *Bhumiswami* in respect of the land in question on and from the date of completion of 20 years. Further, proviso to sub-section (7-b) of Section 165 of the Code makes it abundantly clear that permission mentioned in the said Section shall not be needed to a Bhumiswami or his/her legal heir holding Bhumiswami Right Certificate under sub-section (4) or Free-hold Right under sub-section (5) of Section 158 of the Code, for transfer of the land. As such, permission to transfer the property after expiry of 20 years would not be necessary.
11. Admittedly, the complaint was filed more than 37 years after the allotment of the land in favour of Dwarika Gupta. By then, Dwarika

Gupta had acquired the rights of a Bhumiswami over the land in question. As such, the Commissioner, Surguja Division / respondent No.2 and learned Single Judge have committed no error in holding that the sale in question does not require prior permission of the Collector. We have no reason to differ with the findings of learned Single Judge as the appellant is not a person aggrieved.

12. In that view of the matter, the writ appeal, being devoid of any merits, stands **dismissed**.

Sd/-
(Santosh Sharma)
Judge

Sd/-
(Krushna Ram Mohapatra)
Chief Justice