



CGHC010495382025



2026:CGHC:37611

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

REVP No. 429 of 2025

Ravishankar Prasad Gupta S/o Shri Harishankar Prasad Gupta Aged About 43 Years R/o Santoshi Nagar Khamtarai, Raipur, Tahsil And District- Raipur (C.G.)

... Applicant

versus

- 1 - State Of Chhattisgarh Through The Secretary, Department Of Revenue, Mahanadi Bhawan, Mantralaya, Nawa Raipur (C.G.)
- 2 - The Collector Raipur, District- Raipur (C.G.)
- 3 - The Competent Authority Land Ceiling Raipur, District- Raipur (C.G.)
- 4 - Ashok Manana S/o Shri Bhanwarlal Manana R/o Sisasar Chowk Jagdalpur, District- Bastar (C.G.)
- 5 - Anushka Manana S/o Shri Ashok Manana R/o Sisasar Chowk Jagdalpur, District- Bastar (C.G.)
- 6 - Amit Patel S/o Shri Jadav Ji Patel R/o Jaisal Bhawan, State Bank Colony Fafadih Raipur, Tahsil And District- Raipur (C.G.)
- 7 - Jadav Ji Bhai Patel S/o Shri Maav Ji Patel R/o Jaisal Bhawan, State Bank Colony Fafadih Raipur, Tahsil And District- Raipur (C.G.)
- 8 - Smt. Kamala Ben Patel W/o Jadav Ji Bhai Patel R/o Jaisal Bhawan, State Bank Colony Fafadih Raipur, Tahsil And District- Raipur (C.G.)
- 9 - Smt. Nisha Patel W/o Amit Patel R/o Jaisal Bhawan, State Bank Colony Fafadih Raipur, Tahsil And District- Raipur (C.G.)

... Respondents

(Cause title, as taken for CIS)

For Applicant	:	Mr. B.S. Rajput, Advocate.
For Respondents No. 1 to 3	:	Mr. Dilman Rati Minj, Advocate.
For Respondents No. 6 to 9	:	Mr. Kamlesh Patel, Advocate.

(Hon'ble Mr. Justice Naresh Kumar Chandravanshi)

Order on Board

21/08/2026

1. This review petition has been preferred under Rule 90 of the High Court of Chhattisgarh Rules, 2007, read with Order 47 Rule 1 of the Code of Civil Procedure, 1908, for the review and recall of the order dated 07.10.2025 (Annexure A-1) passed by this Court in WPC No. 803 of 2022.

2. WPC No. 803 of 2022 (*Ravishanker Prasad Gupta vs. State of Chhattisgarh & Others*) was filed by the applicant/petitioner seeking the quashment of the order dated 04.07.2019 passed by the Competent Authority, Land Ceiling, Raipur, District Raipur. Vide the said order, land bearing Khasra No. 435/16, area 0.1680 hectare, was restored to the original owner, namely, Girjabai (wife of late Vinayak), on the ground that physical possession of the aforesaid land had not been taken under the Urban Land (Ceiling and Regulation) Act, 1976 (for brevity, the "**Principal Act of 1976**"). Consequently, ceiling proceeding No. 852-A/90C(1) of the year 1978–79 was closed as "abated" under Section 4 of the Urban Land (Ceiling & Regulation) Repeal Act, 1999 (for short, the "**Repeal Act of 1999**"), as the said Repeal Act mandates the abatement of all pending legal proceedings

relating to any order made under the Principal Act of 1976 before any court, tribunal, or authority.

3. By an order dated 07.10.2025, this Court disposed of WPC No. 803 of 2022 holding that, since an alternative statutory remedy of appeal is available under Section 33 of the Principal Act of 1976, the writ petition was not maintainable. Accordingly, the petition was disposed of with liberty to the applicant/petitioner to file an appeal before the concerned appellate authority under Section 33 of the Principal Act of 1976.
4. Learned counsel appearing for the applicant/petitioner submits that since the Principal Act of 1976 has been repealed by the Repeal Act of 1999, the applicant/petitioner could not file an appeal challenging the order dated 04.07.2019 passed by the Competent Authority, Land Ceiling, Raipur / Respondent No. 3. He, therefore, prays that the impugned order dated 07.10.2025 be recalled and WPC No. 803 of 2022 be restored to its original number
5. Per contra, learned counsel for Respondents No. 6 to 9 submits that although the Repeal Act of 1999 does not contain an explicit saving clause pertaining to the filing of an appeal under Section 33 of the Principal Act of 1976, by virtue of Section 6 of the General Clauses Act, 1897 (for short, the "Act of 1897"), an aggrieved person is not deprived of such a remedy, notwithstanding the repeal of the Principal Act of 1976. He accordingly prays that the review petition be rejected.

6. Learned counsel appearing for Respondents No. 1 to 3/State submits that since the Principal Act of 1976 was a special Act, the Repeal Act of 1999 repealing it would also be considered a special Act, and the saving clause under Section 3 thereof does not confer any right to file an appeal. In such facts and circumstances, the provisions contained in Section 6 of the Act of 1897 would not apply to the present case, and as such, no appeal lies.
7. I have heard learned counsel for the parties and perused the material available on record.
8. At this stage, it is apposite to reproduce the provisions contained in Section 6 of the General Clauses Act, 1897:

"6. Effect of repeal. — *Where this Act, or any Central Act or Regulation made after the commencement of this Act, repeals any enactment hitherto made or hereafter to be made, then, unless a different intention appears, the repeal shall not—*

(a) revive anything not in force or existing at the time at which the repeal takes effect; or

(b) affect the previous operation of any enactment so repealed or anything duly done or suffered thereunder; or

(c) affect any right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed; or

(d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any enactment so repealed; or

(e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such

penalty, forfeiture or punishment may be imposed as if the repealing Act or Regulation had not been passed."

9. Undisputedly, the order dated 04.07.2019 was passed by Respondent No. 3 under the Repeal Act of 1999. Section 3 of the said Act provides for "saving clauses". Although it does not explicitly save Section 33 of the Principal Act of 1976, no specific intention appears from the Repeal Act of 1999 indicating that if an order is passed under Section 4 thereof, no appeal shall lie under Section 33 of the Principal Act of 1976. In this regard, sub-clause (c) & (e) of Section 6 of the Act, 1897 specifically provides that repeal shall not (c) affect any right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed; (e) repeal shall not affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid.
10. Since the order dated 04.07.2019 was passed in pending ceiling proceedings in light of Section 4 of the Repeal Act of 1999, this Court is of the considered opinion that the said order is very much appealable under Section 33 of the Principal Act of 1976, as envisaged under Section 6 (c) & (e) of the General Clauses Act, 1897. Therefore, this Court is not inclined to accept the contention of the learned counsel for the applicant that the order dated 04.07.2019 was not appealable under Section 33 of the Principal Act of 1976.
11. As a fallout and consequence of the aforesaid discussion, this Court reaches to the conclusion that the applicant has failed to make out

any error apparent on the face of the record or any other ground warranting review under Rule 90 of The High Court of Chhattisgarh Rules, 2007 read with Order 47 Rule 1 of the Code of Civil Procedure, 1908. The remedy of statutory appeal under Section 33 of the Principal Act of 1976 remains fully intact and available by operation of Section 6 of the General Clauses Act, 1897.

12. Consequently, the review petition fails and is hereby dismissed. No cost (s).
13. Pending interlocutory application (s), if any, stands disposed of.

Sd/-

(Naresh Kumar Chandravanshi)
Judge