

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1342 of 2015

Ravindra S/o Narsingh Sidar Aged About 28 years Caste Sanwara,
Resident Of Village Ghoghari Road, Dabhra, Tahsil And Police Station
Dabhra, District Janjgir Champa Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Revenue Department,
Mahandi Bhawan, Mantralaya, New Raipur Chhattisgarh
2. The Collector Janjgir, District Janjgir Champa Chhattisgarh
3. The District Registrar District Janjgir Champa Chhattisgarh
4. The Sub-Registrar, Dabhra, District Janjgir Champa Chhattisgarh

---- Respondents

For Petitioner	-	Shri H.S. Patel, Advocate
For Respondent/State	-	Shri S.P. Kale, Dy. A.G. on advance copy

Order On Board

04/08/2015

Heard.

1. The grievance of the petitioner as ventilated through this petition is that the sale deed presented by the petitioner before the Registrar for registration is not being registered and according to the petitioner, the sole operative reason for refusing to register is that the petitioner belongs to 'Saunra' which is a Schedule Tribe.

2. Learned counsel for the petitioner submits that in view of the judgment of the Division Bench of this Court **in the case of Vasudev Sharma Vs. State of Chhattisgarh & Others [W.P. (PIL) No.13 of 2013]** decided on 03/04/2013 and order dated 3rd of April, 2013 passed **in the case of Ghasiya Vs. State of**

Chhattisgarh and Others [WP(C) No.1377 of 2012], '*Saunra*' cannot be treated as Schedule Tribe and therefore, there is no requirement of obtaining any prior permission from the Collector under the provision of Section 165 (6) of the Chhattisgarh Land Revenue Code.

3. On the other hand, learned counsel for the State submits that there is no order passed by the Registering Authority refusing to register and what has been submitted by the petitioner cannot be accepted at this stage and the Court may direct the authority to pass speaking order.

4. The Registering Authority should either register or in case, there is any reason operative for non-registration, an order is required to be passed. The petitioner shall present the sale deed for registration before the Registering Authority and thereafter, the Registering Authority shall either register the document or if for some reason, according to the Registering Authority, it cannot be registered, a clear and speaking order shall be passed by the Registering Authority within a period of 15 days from the date of submission of sale deed for registration. Thereafter, if the petitioner is aggrieved, it would be open for the petitioner to take appropriate remedy as may be available to him under the law.

5. Before parting with the case, it is to be observed that the Registering Authority shall act in obedience of order passed by this Court in the cases of Vasudev Sharma and Ghasiya (supra).

6. With the aforesaid observations, the petition is disposed off.

Sd/-

Manindra Mohan Shrivastava

J U D G E