

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2066 of 2015

- Heeralal S/o Chamar Singh, Aged About 60 Years R/o Village Dabhra, Tahsil Dabhra, District Janjgir Champa (Chhattisgarh)

---- Petitioner

**Versus**

1. Union Of India Through Secretary, Ministry Of Tribal Affairs, New Delhi
2. State Of Chhattisgarh, Through The Secretary, Department Of Revenue, Mahanadi Bhawan, Naya Raipur, Mantralaya, District Raipur, (Chhattisgarh)
3. Collector, Janjgir, District Janjgir Champa, (Chhattisgarh)
4. Sub Divisional Officer (Revenue), Dabhra, District Janjgir Champa, (Chhattisgarh)
5. District Registrar, Janjgir, District Janjgir Champa, (Chhattisgarh)
6. Deputy Registrar, Dabhra, District Janjgir Champa, (Chhattisgarh)
7. State Level Caste Scrutiny Committee, Ravi Shankar Shukla University Premises, Raipur, District Raipur, (Chhattisgarh)
8. Tahsildar, Tahsil Dabhra, District Janjgir Champa, (Chhattisgarh)

---- Respondent

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| For Petitioner        | Mr. Kamal Kishore Patel, Advocate |
| For Respondent /State | Mr. Majid Ali, Panel Lawyer       |

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Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

30/11/2015

Heard.

- (2) The petitioner has filed this petition for a direction to Deputy

Registrar to execute sale deed in respect of subject land which belongs to ownership of the petitioner in favour of intending purchaser without insisting on permission of the Collector under Section 165(6) of Land Revenue Code on the submission that the petitioner belongs to "Saunra" "सौरा" which cannot be treated as scheduled tribe 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 3<sup>rd</sup> of April, 2013 passed in the case of **Ghasiya Vs. State of Chhattisgarh and Others [WP(C) No.1377 of 2012]**. Therefore, it is submitted, 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.

(2) On the other hand, learned counsel for the State submits that there is no order passed by the Registering Authority and the Registering Authority shall examine the matter in accordance with law.

(3) 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.

(4) 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).

(5) With the aforesaid observations, the petition is disposed of.

Judge

(Prashant Kumar Mishra)

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