

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 241 of 2016

Amar Kumar Agrawal S/o Late Shri Arun Kumar Agrawal, Aged About 31 Years
R/o Mahuapali Road, Kharsiya, Tehsil Kharsia, Thana Kharsiya, District Raigarh
(Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Commerce And Industries, Mahanadi Bhawan, Mantralaya, New Raipur, (Chhattisgarh)
2. Director, Directorate Of Industries, Udyog Bhawan, Ring Road No.1, Telibandha, Raipur, (Chhattisgarh)
3. Collector, Raigarh, District Raigarh (Chhattisgarh)
4. Sub Divisional Officer (Revenue), Gharghoda, District Raigarh, (Chhattisgarh)
5. M/s T. R. N. Energy Pvt. Ltd., A Company Incorporated Under The Companies Act, 1956 Having Its Office At 4732/22, Ground Floor, Prakashdeep Building, Ansari Road, Dariyaganj, New Delhi 110002, Through Its Director.
6. District Registrar, Raigarh, Registry Office, Raigarh, (Chhattisgarh)
7. Deputy Registrar, Kharsia, District Raigarh, (Chhattisgarh)
8. Shri Ashok Agrawal, Then Collector Of Raigarh, Presently Posted As Commissioner, S L J A G Durg, District Durg, (Chhattisgarh)
9. Shri Mukesh Bansal, Then Collector, Raigarh, Presently Posted As Collector, Rajnandgaon, District Rajnandgaon, (Chhattisgarh)
10. Shri C. Tigga, Then Deputy Registrar Kharsia (Retd.), R/o Shailendra Nagar, Bank Colony, Raigarh, Tehsil & District Raigarh (Chhattisgarh)
11. Central Bureau Of Investigation, Through Its Director, Plot No. 5-B, C G O Complex, Lodhi Road, New Delhi 110003

---- Respondents

Shri M.L.Sharma, counsel with Shri Harsh Wardhan, counsel for the petitioner/s.
Shri B. Gopa Kumar and Shri Anmol Sharma, counsel for respective respondents.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

09/02/2016

Heard on admission.

This petition has been filed by the petitioner essentially seeking a declaration that the sale deed executed by his father – Arun Kumar in favour of respondent No.5 be declared illegal. The petitioner has also prayed for enquiry under Registration Act and punitive action against officers concerned under Section 82 of the Registration Act for not ascertaining / disclosing / adopting correct Government prescribed land rate for proper registration fee. The petitioner has also prayed for declaration that he is liable to be compensated against financial losses caused to him. The petitioner has also prayed for direction to respondents to take necessary steps to ensure that the petitioner is paid balance amount calculated @ Rs.8 lakhs per acre for the land purchased by respondent No.5 from petitioner's father on 30/03/10 with interest.

2. Learned counsel for the petitioner submits that the Government had declared the rates of land for the purposes of land acquisition vide notification dated 19/03/2010 published in the official gazette on that day. According to the Government rate of acquisition of land, rate of the land, depending upon its quality range from Rs.6 lakhs per acre to Rs.10 lakhs per acre. Respondent misled the father of the petitioner due to which, petitioner's father sold available land for wholly inadequate price to respondent No.5 which is very low as compared to the rate notified by the Government vide notification dated 19/03/2010.

Referring to the various orders issued by the executive authorities on 25/06/2010, 29/07/10, 29/09/10, it has been submitted that all these orders required the authorities to take appropriate steps in the matter to ensure that the purchaser of land is made to pay higher rate towards purchase of land under the registered sale deed dated 30/03/2010. It is also submitted that despite notification of the State Government, the registering authority and respondent No.5 withheld the aforesaid material information from the knowledge of petitioner's father. Had the land been sold at a higher rate, much more stamp would have been collected and in this manner, because of sale of the property at lower rate, loss has been caused to the revenue of the State. Therefore, action should be taken against the concerned officers.

3. This petition is as frivolous as it could be. The father of the petitioner sold some land to respondent No.5. There is nothing on record to show that the father of the petitioner ever raised any dispute in any Court of law seeking decree of declaration that the sale deed is illegal, void and inoperative on any allegation of fraud, coercion or misrepresentation.

Overenthusiastic petitioner, as he appears to be, has filed this petition to seek direction against the State authorities and the purchaser for payment of money more than what has already been paid by the purchaser to petitioner's father.

Present is a case which arises out of a transaction of sale of land by the father of the petitioner and respondent No.5. Rates were fixed by the State in respect of acquisition of land. It was for the seller to be vigilant of his own rights and to decide as to on what rate, he has to sell the land. These issues cannot be gone into in the writ petition.

4. Instead of taking civil remedy, if at all, it is available to the petitioner, seeking a declaration that the sale deed is null and void, on any of the grounds that may be available to him under the law, this writ petition has been filed. The petition is completely misconceived and is therefore dismissed.

Sd/-

(Manindra Mohan Shrivastava)
Judge