

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 327 of 2016

- Ramaswami Pillai S/o Late Subramaniam Pillai, Aged About 86 Years R/o Taatibandh Raipur (Chhattisgarh).

---- Petitioner

Versus

- State Of Chhattisgarh Through Its Secretary, Department Of Revenue, Mahanadi Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur (Chhattisgarh).
- Collector, Raipur, District Raipur (Chhattisgarh).
- Sub Divisional Officer (Revenue), Raipur, District Raipur (Chhattisgarh).

---- Respondents

For Petitioners	:	Mr. Vinod Deshmukh, Advocate
For State	:	Mr. B. Gop Kumar, Dy. Advocate General.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board By

08/02/2016

1. Learned counsel for the petitioner submits that the application for grant of permission to sell the land was rejected against which the appeal was filed. The reasons on which the application for grant of permission was rejected was not accepted by the Appellate Authority (Commissioner). The Commissioner remanded the matter to the Collector, but the Collector again rejected the application on those very reasons which shows mechanical exercise of the power.
2. Learned counsel for the State submits that the petitioner has an alternative remedy of appeal before the Commissioner.
3. Upon considering that the Collector has mechanically rejected the petitioner's application for those very reasons which did not find favour with the Commissioner in appeal in the earlier round, therefore, in these circumstances, the petitioner is granted liberty to move appeal before the Commissioner and the Commissioner shall take a decision on merit of the case. There shall be no need to remand the matter before the Collector and the Commissioner himself shall decide and pass order within 60 days from the date of receipt of the certified copy of this order.

4. If the appeal is filed within 30 days from today, the appeal shall be heard on merit without going into the question of limitation.
5. With these observations, the petition stands disposed of.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Rahul