

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P. (227) No. 1061 of 2015**

Roopkumar Mahikwar, S/o Shri Narsingh Prasad Mahikwar,
aged about 53 years, R/o Shivpara, Ward No. 33, Chandi
Mandir Road, Durg, Tahsil and District Durg (C.G.)

---- Petitioner**Versus**

1. Purushottam Dewangan, S/o Late Shanker Dewangan,
aged about 45 years, R/o Village Patewa, P.H. No. 5, Up-
Tahsil Ghumka, District Rajnandgaon (C.G.)
2. Collector, Rajnandgaon, District Rajnandgaon (C.G.)

---- Respondents

For Petitioner : Mr. H.B. Agrawal, Senior Advocate with
Smt. Prabha Sharma, Advocate.

For Respondent No.1 : Mr. Viprasen Agrawal, Advocate.

For Respondent No. 2: Mr. Arun Sao, Dy. Advocate General.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****19/04/2017**

(1) Learned counsel appearing for the petitioner would submit that the petitioner's application for sale of lease-land has been rejected by the Collector by the impugned order. He would further submit that the petitioner has a right to sell the land after a period of 10 years from the date of lease or allotment; and his application has been rejected on the ground that the consideration has been paid. According to him, it cannot be a ground to reject the application for permission to sell the lease land.

(2) Per contra, counsel for respondents support the order

impugned.

(3) After hearing learned counsel appearing for the parties and after perusal of the impugned order, it is apparent that the Collector has rejected the application merely on the ground that the consideration has been paid, which, in the considered opinion of this Court, cannot be a ground to reject the application. The application has to be considered in light of the provisions contained in Section 158(3) of the M.P./C.G. Land Revenue Code, 1959, and therefore, the order impugned is liable to be set aside.

(4) Accordingly, the writ petition is allowed. Order impugned is set aside. The Collector, Rajnandgaon is directed to decide the application afresh in light of provisions contained in Section 158(3) of the M.P./C.G. Land Revenue Code, 1959.

(5) No order as to cost (s).

Sd/-

(Sanjay K. Agrawal)
Judge

D/-