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HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 771 of 2017

Santosh Kumar Dhruv S/o Jairam Dhruv, Aged About 50 Years Caste Gond R/o Village Nawapara, Tahsil Simga, District Baloda Bazar Bhatapara, Farmer, Village Limahi, Tahsil Baloda Bazar, District Baloda Bazar Bhatapara, Chhattisgarh.....(Fathers Name Wrongly Mentioned In Order)

---- Petitioner

Versus

1. Uttam Singh S/o Shri Dinesh Singh, Aged About 44 Years R/o Jeevan Apartment, Shankar Nagar Chowk,, Shankar Nagar, Raipur, District Raipur (Chhattisgarh)
2. State Of Chhattisgarh, Through The Collector, Baloda Bazar, District Baloda Bazar Bhatapara (Chhattisgarh)
3. Commissioner, Raipur Division, Raipur, District Raipur (Chhattisgarh)
4. Board Of Revenue, Bilaspur (Chhattisgarh)

---- Respondents

And

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 774 of 2017

Santosh Kumar Dhruv S/o Jairam Dhruv, Aged About 50 Years Caste Gond R/o Village Nawapara, Tahsil Simga, District Baloda Bazar Bhatapara, Farmer, Village Parsabhader, Tahsil Baloda Bazar, District Baloda Bazar Bhatapara, Chhattisgarh.....(Fathers Name Wrongly Mentioned In Order)

---- Petitioner

Versus

1. Uttam Singh S/o Shri Dinesh Singh, Aged About 44 Years R/o Jeevan Apartment, Shankar Nagar Chowk,, Shankar Nagar, Raipur, District Raipur (Chhattisgarh)
2. State Of Chhattisgarh, Through The Collector, Baloda Bazar, District Baloda Bazar Bhatapara (Chhattisgarh)
3. Commissioner, Raipur Division, Raipur, District Raipur (Chhattisgarh)

4. Board Of Revenue, Bilaspur (Chhattisgarh)

---- Respondents

For Petitioners	:	Shri Sumesh Bajaj, Advocate
For State	:	Shri Dhiraj Wankhede, Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order

12/05/2017

Heard.

1. WPC No.771 of 2017 and WPC 774 of 2017 are being disposed off by this common order as they concern the same petitioner- Santosh Kumar Dhruv in the matter of sale of his land to the respondent, involving identical issue for consideration.
2. The petitioner has filed these petitions aggrieved by the order dated 15.11.2016 passed by the Board of Revenue affirming orders passed by the lower revenue Courts.
3. The petitioner, who is a tribal, had applied for grant of permission under Section 165 (6) of the Chhattisgarh Land Revenue Code for sale of his land to a non-tribal. The petitioner's application was rejected on the ground that if the petitioner is allowed to sell his land to the respondent, he would not be left with sufficient land, necessary for earning his livelihood.
4. The sole submission of learned counsel for the petitioner in both the cases is that despite sale of the land in the present case, the petitioner has large chunk of agricultural land, which was not taken into consideration. According to the petitioner, despite sale of the land under the proposed sale transaction, the petitioner is still left with approximately 50 acres of land available for agriculture from which he could easily earn his source of livelihood. In view of the documents placed on record by the petitioner in support of this contention, the State counsel was directed to seek instructions on 30.3.2017. Time was again granted on 27.4.2017. Despite repeated opportunities, State counsel could not dispute the aforesaid contention of the petitioner by filing any return or specific affidavit of the revenue authority.

5. Therefore, in view of the aforesaid situation when the petitioner has left with approximately 50 acres of land even if he sells out his land by the aforesaid transaction in favour of respondent in the aforesaid two petitions, the respondent-Collector is directed to reconsider petitioner's application. The petitioner shall submit necessary revenue papers once again before the Collector if not already submitted, in support of his case that he is possessed of sufficient land. If the petitioner's contention is that he is possessed of approximately 50 acres of land despite sale of land in the present case, permission shall be granted to the petitioner for sale of land, which is the subject matter of the aforesaid two petitions.
6. Accordingly, both the petitions are allowed.

Sd/-
(Manindra Mohan Shrivastava)
Judge