

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1476 of 2017

Sadhuram S/o Samundsaya, Aged About 57 Years By Caste Saunra, R/o Village Singhara, Tahsil Malkharoda, District Janjgir Champa, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Scheduled Caste & Scheduled Tribe, Mahanadi Bhawan, New Raipur, District Raipur (Chhattisgarh).
2. The Collector, Janjgir Champa, Chhattisgarh.
3. Sub Divisional Officer (Revenue), Dabhara, District, Janjgir Champa, Chhattisgarh.
4. Tahsildar, Dabhara, District Janjgir Champa, Chhattisgarh.
5. Naresh Kumar Chandra S/o Late Shri Ghasiyaram Chandra, R/o Village Katekoni Chote, Tahsil Dabhara, District Janjgir Champa, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Parag Kotecha, Advocate
For State	:	Shri R.K. Gupta, Dy.A.G.

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

Order On Board

19/05/2017

Heard.

1. Learned counsel for the petitioner submits that even though the respondent-authority held that the petitioner does not belong to scheduled tribe, instead of returning petitioner's application with the finding that no permission is necessary, his application has been rejected. Therefore, an occasion has arisen to challenge the same because the petitioner apprehends that the respondent authority may take any coercive action against the petitioner in the event he proceeds to sell his land or the registering authority may not register the sale deed.
2. On the other hand, learned counsel for the State submits that the Collector has

rejected application on the ground that the petitioner is not a scheduled tribe and, therefore, no permission can be granted. He submits that this declaration of the Collector should not leave an apprehension in the mind of the petitioner because he does not belong to scheduled tribe.

3. Apparently, in view of the finding of the Collector, that the petitioner does not belong to scheduled tribe, the sale would not require any permission under Section 165 (6) of the Land Revenue Code, only on the ground that the petitioner, being a tribal, is selling off his land to a non-tribal. It would be open for the petitioner to take steps for sale in accordance with Law.
4. The petition is accordingly finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge