

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 590 of 2018**

Shree Engineers And Builders Pvt Ltd., Through Director Abhay
 Tripathi, S/o Late Shri Kripashankar Tripathi, Aged About 50 Years.
 R/o Bramharoad, Ambikapur, District Surguja,
 Chhattisgarh.Non Applicant No. 4., District : Surguja
 (Ambikapur), Chhattisgarh **--- Petitioner**

Versus

1. Smt. Seetapuri W/o Late Ratanchand Puri, Aged About 70 Years R/o
 Mahamaya Road, Puri Rest House, Ambikapur, District : Surguja
 (Ambikapur), Chhattisgarh
2. Neelam Puri, D/o Late Ratanchand Puri, Aged About 45 Years R/o
 Mahamaya Road, Puri Rest House, Ambikapur, District Surguja,
 Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
3. Neeraj Puri, S/o Late Ratanchand Puri Aged About 40 Years R/o
 Mahamaya Road, Puri Rest House, Ambikapur, District Surguja,
 Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
4. K. N. Singh S/o Late Shri R. B. Singh, Aged About 41 Years Caste
 Chhatri, R/o Near Water Tank, Kedarpur, Ambikapur, District Surguja,
 Chhattisgarh.Applicant., District : Surguja (Ambikapur),
 Chhattisgarh
5. The Commissioner, Ambikapur, Surguja, Division, District Surguja,
 Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
6. The Collector, Ambikapur, District Surguja, Chhattisgarh., District :
 Surguja (Ambikapur), Chhattisgarh **--- Respondent**

For the applicant	:	Mr. Sunil Tripathi, Advocate
For the State	:	Mr. Ashish Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****11.07.2018**

1. This writ petition is against the order dated 06.06.2018
 passed by the learned court of Commissioner, Sarguja
 Division.
2. Learned counsel for the petitioner submits that by order
 dated 21.08.2012 on an application filed by respondents 1 to

3, the Collector, Sarguja in Review Case No.155/A-21/2009-10 has granted permission to the respondent to sell the land u/s 165(6-a) and 7(b) of the Land Revenue Code. The permission of sale relates to the land situated at village Fundurdihari. It is stated that after the permission granted by the Collector, the petitioners have purchased the property by registered sale deed. It is further contended that thereafter though the order of the Collector granting permission was final u/s 165(6-c), an appeal was preferred which was admitted for hearing.

3. Learned counsel for the petitioner submits that the appeal could not be admitted, therefore, preliminary objection was made comprising of various prayers including the maintainability and the question of limitation and the locus-standi of respondent no.4., but the Commissioner without going into the merits has admitted the appeal for hearing which is against the statute of section 165(6-c) of the Land Revenue Code.
4. Perused the order dated 21.08.2012 passed by the Collector in Reference Case No.1550A-21/2009-2010. By such order the Collector has permitted the sale in exercise of powers under section 165(6-a) and section 7(b) to sell certain land at village Fundurdihari to the applicants therein i.e., respondents 1 to 3 herein this petition namely Smt. Seetapuri, Neelam puri & Neerajpuri. Thereafter, an appeal was filed by respondent No. 5 K.N. Singh on 04.04.2013 which has been admitted for hearing. The said hearing was objected by the petitioner herein about the maintainability of the same. Section 165(6-c) contemplates that an order under

sub-section (6-a) granting or refusing to grant permission or under sub-section (6-b) ratifying or refusing to ratify the transaction shall be final.

5. Since the respondents are not here, in the facts and circumstances of the case, it will serve the purpose if the Commissioner before whom the alleged appeal is pending is directed to decide the maintainability of the appeal including the locus of the appellant therein and the statutory limitation qua section 165(6-c) of the Code and the limitation thereof before deciding the case finally.
6. With such observation, this petition stands finally disposed of.

**Sd/-
GOUTAM BHADURI
JUDGE**