

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No. 2912 of 2011

1. Sadhram Sidar, S/o. Shri Santram, Aged About 52 Years
2. Pardeshi Sidar, S/o. Santram, Aged About 45 Years
3. Mangeram Sidar, S/o. Shri Santram, Aged About 40 Years
4. Videshiram Sidar, S/o. Shri Santram, Aged About 36 Years

All are Caste God, R/o. Gram Sapnaipali, Tahsil Sakti, District - Janjgir
- Champa Chhattisgarh.

---- Petitioners

Versus

1. Deepak Kumar, S/o. Shri Lakhiram Agrawal, R/o. Ragja, Tahsil Sakti,
District- Janjgir - Champa Chhattisgarh.
- 2(a). Umashankar, S/o. Bhakulal Sidar, mother – Heera Bai, aged 45 years.
- 2(b)(a). Rajkumari Sidar, D/o. Late Harishankar Sidar, aged 23 years.
- 2(b)(b). Pushpendra Sidar, S/o. Late Harishankar Sidar, Aged About 19 Years
- 2(b)(c). Ravindra Sidar, S/o. Late Harishankar Sidar, Aged About 17 Years
- 2(c) Ramshankar, S/o. Bhakoolal Sidar, Aged About 38 Years, mother
Heera Bai,
All R/o. Village – Ragja, Post Ragja (Sakti), Tahsil – Sakti, District –
Janjgir-Champa (C.G.)
- 3.(a) Khilavan Sidar, S/o. Harusingh Sidar, mother Heeramani, Aged About
45 Years, R/o. Village Dataud, Post Dataud, Tahsil – Baradwar, Dist.
Janjgir-Champa (C.G.)
4. Ghanshyam, S/o. Shri Janak Sahu, R/o - Bagbudwa, Tahsil Sakti,
District Janjgir - Champa C. G.
5. Sub-Divisional Officer, Sakti, District Janjgir- Champa C. G.
6. State Of Chhattisgarh Through Collector, District Janjgir- Champa
Chhattisgarh.
7. Commissioner, Bilaspur, Division Bilaspur, Bilaspur Chhattisgarh.

-----Respondents

For Petitioners	: Mr. C.K. Kesharwani, Advocate
For State/Respondents	: Mr. Sudip Verma, Dy. Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

11/12/2019

1. Challenge in this petition is to the order dated 27.06.2000, passed by the Sub Divisional Officer, Sakti dismissing the proceeding under Section 170-B of the Chhattisgarh Land Revenue Code, 1959 (In short "the Code, 1959"), which has been upheld in appeal before the Collector, Janjgir-Champa by order dated 14.08.2001 and also upheld in the Revision filed before the Commissioner, Bilaspur vide order dated 13.10.2009.
2. It is submitted by the counsel for the petitioners that the petitioners are the owner of the land bearing Kh.No.1293/1 area 2.94 acres, situated in Village- Keshla. It was alleged that respondent No.1 gave inducement to Virndamati, whose legal representatives are petitioners and got the property mutated in the records in his name. The petitioners moved an application, which was registered as Revenue Case No.101/A-23/96-97, in which by order dated 22.09.1997, S.D.O. Sakti passed order canceling the mutation in the name of the respondent No.1 and also ordered for restoration of possession in favour of the petitioners. Respondent No.1 filed an appeal before the Collector, Jangjr-Champa, which was decided on 13.12.1999, in which the order of S.D.O. was set-aside and the case was remanded back for re-hearing and re-consideration.
3. S.D.O., Sakti considered and passed the order impugned dated 27.06.2000 dismissing the proceeding initiated by the petitioners, holding that the respondent No.1 has purchased the property from Vrindamati, who was a member of Scheduled Tribe, after obtaining requisite permission from the Collector as required under Section 165(6) of the Code, 1959. Therefore, no case is made out for reversion

of property under Section 170(b) of the Code, 1959. This order has been upheld in the appeal as well as in the revision. Hence, this case.

4. It is submitted by the learned counsel for the petitioner that the petitioners have proved their case before the S.D.O. and all the Courts have erroneously appreciated the facts and evidence of the case and have incorrectly decided the petition before them. Therefore, this petition be allowed and the impugned orders be set-aside.
5. Private respondents are not represented.
6. State counsel for the respondent No.5, 6 & 7 opposes the petition and the submissions made in this respect. It is submitted that no error has been committed by the SDO (Revenue), Appellate Authority and Revisional Authority. It was found in the enquiry that the disputed property was sold by Vrindamati, who was member of scheduled tribe after obtaining permission of the Collector as per requirement under Section 165(6) of the Code, 1959. Therefore, there had never been a case to be proceeded under Section 170-B of the Code, 1959. Hence, the petition be dismissed.
7. I have heard the learned counsel for the parties and perused the documents placed on record.
8. On perusal of the impugned order and the other documents filed along with the petition found that it was established in the enquiry that respondent No.1 had purchased the disputed property from Vrindamati by registered sale deed dated 05.07.1993. It is reflected in the impugned order that Vrindamati had obtained permission for sale from Additional Collector, Korba in Case No.25/A-21/92-93 vide order dated 25.06.1993, on the basis of which, the sale deed was executed. This

permission was granted in compliance of Section 165(6) of the Code, 1959. Therefore, no condition was present or established by the petitioners side to make out a case of reversion of the disputed property under the provisions of Section 170B of the Code, 1959. Hence, I do not find any error in the impugned order and the orders passed by the authorities below.

9. Accordingly, this petition is devoid of merits, which is dismissed accordingly.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram