

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1422 of 2019**

- K.N. Singh S/o R.B. Singh Aged About 47 Years R/o Kedarpur, Near Pani Tanki, Ambikapur, District Surguja Chhattisgarh

---- Petitioner**Versus**

1. Smt. Seetapur W/o Late Ratan Chandra Puri
2. Neelam Puri, S/o Late Ratan Chandra Puri
3. Neeraj Puri, S/o Late Ratan Chandra Puri,
All R/o Mahamaya Road, Ambikapur, District Surguja Chhattisgarh
4. Shree Engineers And Builders Pvt. Ltd., Through Director, Abhay Tripathi, R/o Brahma Road, Ambikapur District Surguja Chhattisgarh
5. Commissioner, Surguja Division, District Surguja Chhattisgarh
6. District Collector, Surguja, Ambikapur District Surguja Chhattisgarh

---- Respondent

For Petitioner	Mr. Amit Soni, Advocate
For Respondent /State	Mr. RS Baghel, Dy. Advocate General

Order On Board By**Hon'ble Mr. Justice Prashant Kumar Mishra****20/6/2019**

1. Heard.
2. Feeling aggrieved by the order passed by the Commissioner, Surguja Division on 16.7.2018, thereby, dismissing the

petitioner's Revision Application and affirming the order passed by the Collector, Sarguja dated 21.8.2012 granting permission to the owners of the land for effecting sale-deed in favour of respondent No.4, the present writ petition has been filed by the petitioner.

3. Admittedly, the petitioner is not the owner of the land nor any contest between him and the private respondents in respect of right, title or entitlement to the subject land is pending before any Court.
4. Even if the petitioner and the land owners i.e. respondents 1 to 3 have a prior Agreement to Sale, unless the petitioner moves before the jurisdictional Civil Court for specific performance of the said Agreement, he has no locus to challenge the order, which is passed in favour of the land holders granting them permission to sell the land in favour of respondent No.4.
5. Learned counsel for the petitioner would refer to the judgments passed by the Supreme Court in the matters of **Ghulam Qadir Vs. Special Tribunal and others, (2002) 1 SCC 33** and **Sai Chalchitra Vs. Commissioner, Meerut Mandal and others, (2005) 3 SCC 683**, to submit that the petitioner has locus to maintain this petition because there exists an agreement in his favour in respect of the same land.
6. Merely because there exists Agreement to Sale in the petitioner's favour, he cannot question the order passed by the Collector permitting the land owners to sell land to respondent

No.4.

7. Had it been a case where the petitioner has moved before the Civil Court for specific performance, he would have locus to assail the impugned order but in the absence of any such action, he cannot restrain the real owners from transferring the property in favour of any other persons for an indefinite period.
8. For the afore-stated reasons, I am not inclined to entertain this petition, it fails and is hereby dismissed.

Sd/-

(Prashant Kumar Mishra)

Judge

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