

HIGH COURT OF CHHATTISGARH AT BILASPUR**WP(C) No. 1459 of 2020**

1. Arun Kumar Agrawal S/o Shri Devkinandan Agrawal Aged About 45 Years R/o Agrawal Lodge Road, Manendragarh, District Koriya Chhattisgarh
2. Ajay Kumar Agrawal S/o Shri Devkinandan Agrawal Aged About 52 Years R/o Agrawal Lodge Road, Manendragarh, District Koriya Chhattisgarh, **---- Petitioner**

Versus

1. State Of Chhattisgarh Through Collector, District Koriya Chhattisgarh
2. The Additional Collector District Koriya Chhattisgarh

----Respondents

For Petitioner	:	Mr. Rohit Sharma, Advocate.
For State	:	Mr. Jitendra Pali, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****10/08/2020**

1. The limited relief that the petitioners has sought in the present writ petition is for an appropriate direction to the respondent No. 2 to take a decision on the application for change of the name of purchaser in the order Annexure P/1 dated 06.07.2015 passed by the Collector in revenue case No. 39/A-21/2014-15.
2. The facts of the case is that the petitioners on an earlier occasion had moved an application under Section 32 of the Chhattisgarh Land Revenue Code for permission to sell their properties. The Collector after due consideration of the said application, allowed the same vide order (Annexure P/1) dated 06.07.2015. However subsequently, the original purchaser who had agreed to purchase the property refused to purchase the said property and as such the sale and transfer of the property could not be effected. Subsequently, the petitioners have now got a fresh purchaser and therefore the petitioners had approached the respondent No. 2 by moving an application seeking for change of name

of the purchaser in the permission which was earlier granted. The petitioners had approached the authority by moving an application on 23.03.2020 and a reminder was also sent on 16.06.2020 but no decision has been taken in the instant case.

3. The State Counsel raises an objection and submits that the provision of law otherwise do not permit for a change in the name of a purchaser, once when there is already an order granted. If the sale has not materialized, the earlier order passed by the Collector has lost its efficacy and if at all, if the petitioners intend to sell the property to a new purchaser, a fresh proceedings under Section 32 has to be adopted.
4. Admittedly, in the instant case, the Learned District Collector at one point of time vide its order Annexure P/1 dated 06.07.2015 had granted permission for the sale of the said land. However, the said sale could not be materialized as the then purchaser backed out of the agreement entered into between the parties.
5. The petitioners have now been able to get a fresh purchaser and they have moved an application for change of the name of purchaser. All that the petitioners at this stage are seeking for a direction to the respondents to take a decision on the application. According to the counsel for the petitioners even if a fresh application is required, the same could have also been intimated to the petitioners whereas the counsel for the petitioners submits that in the past, the authorities have on similar set of facts granted permission by changing the name of the purchaser.
6. Given the submission made by the Counsel appearing on either side, this Court is of the opinion that the writ petition itself can be disposed of, directing the respondents to take a decision on the application which the

petitioners have filed on 23.03.2020 seeking change of name of purchaser.

7. Needless to mention that the respondents shall take a decision on the said application purely in accordance with law governing the field. If at all, if the petitioners have to move a fresh application, the authorities may intimate the petitioners in respect of such a procedure so that an early decision can be taken on the said application. The authorities are also free to take the precedents into the account while deciding the same.
8. With the aforesaid observations/direction, the writ petition accordingly stands disposed of.

Sd/-

(P. Sam Koshy)
Judge

Jyotijha