

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1872 of 2019**

1. Sanat Kumar Patel, S/o Shri Jagatram Patel, aged about 60 years, Occupation retired Patwari, R/o Durg Road, Police Station Bemetara, Tehsil & District Bemetara (CG)

---- Applicant

Versus

1. State Of Chhattisgarh Through the Police Station Amleswar, Tehsil Patan, District- Durg, Chhattisgarh.
2. State Economic Offence Wing, Raipur (CG) (R.K. Dubey, Deputy Superintendent of Police Raipur).

---- Non-Applicant

For Applicant : Miss Sharmila Singhai, Advocate.
 For Non-Applicant : Mr. Ravish Verma, Govt. Advocate.

Proceeding Through Video Conferencing**Hon'ble Shri Justice Prashant Kumar Mishra****Order On Board****10/08/2020 :**

1. The applicant has preferred this application for grant of anticipatory bail as he apprehends his arrest in connection with Crime No.23/2019, registered at Police Station State Economic Offence Wing, Raipur, District Raipur for offences punishable under Sections 409, 467, 468, 471 and 120-B of the IPC and Section 13 (1)A of Prevention of Corruption Act.
2. As per the prosecution case, about 38 acres of land situated at village Mahuda, Patwari Halka No.7, RI Circle Amleshwar, Tehsil Patan, District Durg was sold by the land holder to a builder namely, Pankaj

Lahoti of Wall Fort City in an illegal manner without obtaining permission from the concerned Collector. The present applicant Sanat Kumar Patel, who was the Patwari of the concerned Halka number at the relevant time, issued Khatoni papers without perusing the Misal records to verify the status of the land. It came to be noticed that the said land was Government land granted on lease to the holders. Such land leased out by the Government cannot be sold and it can be sold only with prior permission of the concerned Collector. However, due to act of the applicant in issuing Khatoni papers, alleged illegal sale happened.

3. Learned counsel for the applicant would submit that the land was recorded in Bhoomiswami rights of the holder, which was done much before the applicant taking charge of patwari Halka. Therefore, he is not at all liable.
4. It is not material as to who entered the holder's name in Bhoomiswami rights. The fact is that the land was leased out by the Government to the holder which could not have been sold without prior permission of the Collector. Non mentioning of lease hold land has triggered the entire illegal transaction of the land valued at Rs.114 crores.
5. Therefore, considering the seriousness of the offence, this Court is not inclined to extend the benefit of anticipatory bail to the applicant. The application is accordingly rejected. Interim protection granted on 23.3.2020 stands vacated.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve