

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 591 of 2021

1. Hazari Lal Chelse S/o Kartik, Aged About 70 Years R/o Village Bodhipara, Tahsil Pandariya, District : Kawardha (Kabirdham), Chhattisgarh
 2. Phoolchand, S/o Late Shri Revaram, Aged About 40 Years R/o Village Domanpur, Tahsil Pandariya, District : Kawardha (Kabirdham), Chhattisgarh
- Petitioners**

Versus

1. State of Chhattisgarh through the Secretary, Food, Civil Supplies And Consumer Protection Department, Mantralaya, New Raipur, P.S. Rakhi, District Raipur Chhattisgarh.
 2. The Collector, District Kabirdham Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh
 3. The Sub Divisional Officer, Pandariya, District : Kawardha (Kabirdham), Chhattisgarh
 4. Zila Sahkari Kendriya Bank Maryadit, Branch- Pandariya, Through The Manager, Post Kisungad, Pandariya, District : Kawardha (Kabirdham), Chhattisgarh
 5. Seva Sahkari Samiti Maryadit Baghamuda, Through The Manager, Post Kishungarh, Tahsil Pandaria, District : Kawardha (Kabirdham), Chhattisgarh
 6. C.G. State Co-Operative Marketing Federation Limited, through the Managing Director, Marketing Federation Cbd Building, Naya Raipur, District Raipur Chhattisgarh.
 7. Dharamdas, S/o Sahatik, Aged About 65 Years R/o Village Domanpur Tahsil Pandariya, District : Kawardha (Kabirdham), Chhattisgarh
- Respondents**

For the petitioners	:	Mr. Prateek Sharma, Advocate
For the State	:	Mr. Gagan Tiwari, Dy.Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

28.01.2021

1. learned counsel for the petitioners submits that Kartik, Revaram and Sahatik were brothers. Petitioner No.1 Hazari Lal represents the family of Kartik and Petitioner No.2

Phoolchand represents Revaram. Dharamdas who is respondent no.7 represents the family of Sahatik. It is stated that the entire land situated at village Bodhipara admeasuring 18.252 hectares was registered in the name of petitioner no.1 Hazari Lal for sale of Paddy. Dharamdas objected to such sale, therefore, the Sub Divisional Officer has only allowed the sale of paddy out of 1/3rd share of registered area of Kartik. Learned counsel submits that when only one person Dharamdas has objected to sale of paddy whereas the other persons i.e., petitioner no.2 who represents the family of Revaram and petitioner no. 1 who represents the family of Kartik do not have objections to such sale, then their share of land holding to the extent of 2/3rd may be allowed for sale of Paddy which already stands registered. He refers to the note made by the Collector on the application of petitioner No.1 (Annexure P-7) wherein the Collector has directed that leaving a part of the land of objector, the land of others may be allowed to be registered to sell the paddy. However, the SDO without any substance has only allowed 1/3rd share of sale of paddy.

2. Prima facie, it appears that before this Court two persons are here i.e., petitioner no.1 Hazarilal and petitioner no.2 Phoolchand who represent the families of Kartik and Revaram respectively and respondent no.7 was said to be the representative of family of Sahatik, who has not consented to sale of paddy. Therefore, out of 3 brothers, two are on the one side and the other one is on the other side. Taking into consideration such fact, the note made by the Collector at Annexure P-3 appears to be reasonable wherein it has been directed that leaving a part of the share of

objector, others may be allowed to sell the paddy. Considering the factual aspect and the fact that the sale for paddy would end on 31.01.2021, it is directed that respondent no.3 the SDO and respondents 4 to 6 shall allow the sale of paddy by the petitioners herein leaving a share/part of the land of the objector.

3. With the above direction/observation, this writ petition stands finally disposed of.

Certified copy as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**