

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.(C) No. 1003 of 2021

Chintamani (Wrongly Mention In Order Sheet Dated 21.02.2019 Chintaram) S/o. Jagatram @ Jagsai Sidar, Aged About 60 Years, R/o. Village- Jata Kanhar, Cultivating Village- Rajadih, Patwari Halka No.13, Revenue Circle And Tahsil- Saraipali, District- Mahasamund, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, Revenue Department Mantralaya, Nava Raipur, Raipur, District- Raipur, Chhattisgarh.
2. The Collector Mahasamund, District- Mahasamund, Chhattisgarh.
3. The Sub-Divisional Officer (Revenue) Saraipali, District- Mahasamund, Chhattisgarh.
4. The Tahsildar Saraipali, District Mahasamund, Chhattisgarh.
5. Ajeetram, S/o. Monu Satnami, Aged About 61 Years, R/o. Village- Rajadih, Patwari Halka No. 13, Revenue Circle And Tahsil- Saraipali, District- Mahasamund, Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Pushpendra Kumar Patel, Advocate
For State/Respondents	:	Mr. Aditya Tiwari, Panel Lawyer
No.1 to 5.		

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

23.02.2021

Heard

1. Learned counsel for the petitioner submits that the petitioner has sought for permission to sale certain lands which are situated at village Rajadih, Tahsil Saraipali, District Mahasamund to meet out the family household expenses. He submits that initially after such application was filed, it was sent to the Tahsildar and the Tahsildar by order dated 07.10.2020 has observed that the permission may not be granted and it was sent back to the S.D.O. The S.D.O. after verification of the order of the Tahsildar by order dated 03.11.2020 had remanded the case i.e. the subject issue before the Tahsildar again on the ground that no specific reason has been assigned by the Tahsildar for refusal. Thereafter, the Tahsildar

again reviewed its order by order dated 09.10.2020 and it was observed that after sale of the land, the petitioner has left with certain part of land and therefore, the permission may be granted. Counsel for the petitioner submits that thereafter the S.D.O. has not decided the case of the petitioner which was filed seeking permission and thereafter the issue has not been decided by the Collector. Therefore, the respondents may be directed to decide the case of the petitioner.

2. Considering the limited prayer, without any observation on the merit, since the grant of permission is still under consideration, the Collector Mahasamund is directed to decide the application of the petitioner after evaluating the facts of this particular case within a period of 45 days from date of receipt of a copy of this order. This Court has not observed anything on the merit as to the right and entitlement of the petitioner for sale of the land and the Collector shall be at his discretion to adjudicate on its own merit.
3. With the aforesaid observation, the petition stands disposed off.

Sd/-
(Goutam Bhaduri)
Judge

Aks