

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 118 of 2021**

- Ghanshyam Rajput S/o Shri Ram Niwas Rajput, Aged About 40 Years R/o Village- Janghora, P.S. And Tehsil- Pithora, District- Mahasamund (C.G.) ----- **Appellant**

Versus

1. State Of Chhattisgarh Through Collector Mahasamund, District- Mahasamund (C.G.)
2. Sub Divisional Officer,(Revenue) Sub-Divisional Magistrate Pithora, District- Mahasamund (C.G.)
3. Tehsildar Pithora, District Mahasamund (C.G.)
4. Superintendent Of Police Mahasamund, District- Mahasamund (C.G.)
5. Station House Officer Pithora, Tehsil- Pithora, District- Mahasamund (C.G.)
6. Lokesh Sinha, S/o Shri Bhushan Sinha Aged About 32 Years R/o Ward No. 9, Pithora, P.S. And Tehsil- Pithora, District Mahasamund (C.G.)
7. Amit Agrawal, S/o Shri Bajrang Agrawal, Aged about 38 years, R/o Village Pithora, P.S. & Tehsil – Pithora, District Mahasamund C.G.

----- **Respondents**

For Appellant	:-	Mr. Surfaraj Khan, Advocate
For Respondent-State	:-	Mr. Sudeep Agrawal, Dy.A.G.

Hon'ble Shri Prashant Kumar Mishra, Ag.CJ
Hon'ble Shri Parth Prateem Sahu, J.
Judgment On Board

By**Prashant Kumar Mishra, Ag.CJ.**

08/06/2021

1. Heard.
2. Appellant has purchased land from one Ramdulari who was holding the subject land as lessee from the Government. The concerned Tahsildar has entertained an application filed by respondent No.6 Lokesh Sinha for making enquiry into the transaction as the sell in favour of appellant was without prior permission from the Collector.
3. The learned Single Judge has refused to interfere in the matter and has disposed of the writ petition on the ground that the enquiry is at the initial stage and the petitioner can avail appropriate remedy available to him under the law as and when any orders are passed and if he feels aggrieved.
4. It is argued before us that under the scheme of Chhattisgarh Land Revenue Code, 1959 (*for brevity 'the Code, 1959'*) an action against a Government lessee can be taken for violation of terms of lease or on any other ground as enumerated under Section 182 of the Code, 1959, therefore, the proceedings before the Tahsildar is not maintainable as the said Revenue Officer is not competent under the Code, 1959 to make such an enquiry even under Section 32 of the Code, 1959.
5. We have perused the documents and relevant provisions of the law. In particular, we would refer to Sub-section (7 - b)

of Section 165 of the Code, 1959 which empowers the Collector to enquire into the transaction in relation to a Government lease land, when the same has been transferred without permission of the Collector.

6. In view of the above provision, it would be appropriate if the complaint moved by respondent No.6 Lokesh Sinha being registered as Revenue Case No.202007120800246/B-121/2019-20 is transferred to the concerned Collector.
7. Accordingly, the subject revenue case stands transferred to the concerned Collector who shall hear all the necessary parties including Ramdulari, the appellant, the complainant and other purchasers who have purchased the land from Ramdulari.
8. Let the enquiry be completed and orders be passed in accordance with law and on its own merits expeditiously, preferably within a period of six months from today. Let copy of this order be sent to the concerned Collector forthwith.
9. Accordingly, the present writ appeal stands disposed of in the above stated terms.

SD/-
(Prashant Kumar Mishra)
Acting Chief Justice

SD/-
(Parth Prateem Sahu)
Judge