CGHC010128142023 2026:CGHC:46851

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 1895 of 2023

Judgment Reserved On :25.09.2026.

Judgment Delivered On :05.11.2026.

1 - Kuleshwar Singh Sen S/o Mohanlal Sen, Aged About 47 Years R/o Village Sihad, Post And Tahsil Bhakhara, District : Dhamtari, Chhattisgarh

--- **Petitioner(s)**

versus

1 - The State Of Chhattisgarh Through Its Secretary, Department Of Revenue And Disaster Department, Mantralaya Mahanadi Bhawan, Naya Raipur, District : Raipur, Chhattisgarh

2 - The Commissioner Land Records, Indravati Bhawan, Ist Floor, Block 2, Naya Raipur, District : Raipur, Chhattisgarh

3 - The Collector Land Record, District Dhamtari Chhattisgarh.

4 - The Sub Divisional Officer, (R), Kurd, District Dhamtari Chhattisgarh.

5 - The Tahsildar, Bhakhara, District Dhamtari Chhattisgarh.

6 - Naib Tahsildar Bhakhara, District Dhamtari Chhattisgarh.

7 - Assistant Director, Nagar, Tatha Gram Nivesh, District Dhamtari Chhatisgarh.

8 - Nagar Panchayat , Bhakhara, Through Chief Municipal Officer, Nagar, Panchayat Bhakhara District Dhamtari Chhattisgarh.

--- **Respondent(s)**

WPC No. 3178 of 2023

1 - Tankeshwarpuri Goswami S/o Late Omkarpuri Goswani Aged About 55 Years R/o Nagar Panchayat Bhakhara, Ward No.5, District : Dhamtari, Chhattisgarh

---**Petitioner(s)**

Versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Revenue And Disaster Department, Mantralaya Mahanadi Bhawan, Naya Raipur, District : Raipur, Chhattisgarh

2 - The Commissioner Land Records, Indravati Bhawan, 1st Floor, Block-2, Naya Raipur (C.G.)

3 - The Collector Land Record, District : Dhamtari, Chhattisgarh

4 - The Sub Divisional Officer (R) Kurud, District : Dhamtari, Chhattisgarh

5 - The Tahsildar Bhakhara, District : Dhamtari, Chhattisgarh

6 - Naib Tahsildar Bhakhara, District : Dhamtari, Chhattisgarh

7 - Assistant Director Nagar Tatha Gram Nivesh, District : Dhamtari, Chhattisgarh

8 - Nagar Panchayat Bhakhara Through Chief Municipal Officer, Nagar Panchayat Bhakhara, District : Dhamtari, Chhattisgarh

--- **Respondent(s)**

For Petitioner in WPC No.1895/2023	:	Mr. Parag Kotecha, Advocate.
For Petitioner in WPC No.3178/2023	:	Mr. Ritesh Verma, Advocate.
For State/respondent	:	Mr. Shobhit Mishra, Dy GA.
For Respondent No.8	:	Mr. Shikhar Shukla appears on behalf of Shri Anuroop Panda, Advocates.

Hon'ble Mr. Justice Amitendra Kishore Prasad

C A V Order

1. Since in the both the writ petitions, identical nature of impugned order dated 10.02.2023 passed by Collector, District Dhamtari has been challenged by which, direction has been issued for proceeding with the cancellation of the sale deed of the petitioners, as such, the petitions are clubbed together and are being disposed of by this common order.

2. Facts in short giving rise to WPC No.1895 of 2023 are that land bearing Khasra No. 675/2, admeasuring 4,250 square feet, situated at Village Bhakhara, P.H. No. 10, B. No. 148, Revenue Mandal Kurud, Tahsil Kurud, District Dhamtari, was purchased by Ramesh Kumar Sahu and Chetan Kumar Sahu from Kolhu Ram through a registered sale deed dated 25.08.2008. Thereafter, the names of Ramesh Kumar Sahu and Chetan Kumar Sahu were duly mutated in the revenue records in respect of the said property. The petitioner subsequently purchased a portion of the aforesaid property, admeasuring 1,230 square feet, situated at Village Bhakhara, Ward No. 7, now falling under Patwari Halka No. 17, Tahsil Kurud, District Dhamtari, from Ramesh Kumar Sahu and Chetan Kumar Sahu for a total sale consideration of Rs. 1,43,500/-. A registered sale deed dated 26.08.2020 was duly executed between the parties in favour of the petitioner. Pursuant to the purchase of the aforesaid property, the petitioner submitted an application for mutation before Respondent No. 8 on 29.09.2020 and deposited the requisite fee of Rs. 6,000/-. During the mutation proceedings, objections were invited, whereupon one Santoshi Nishad submitted an objection before Respondent No. 8 challenging the petitioner's claim in respect of the property. Consequently, a notice dated 19.10.2020 was issued to the petitioner, calling upon him to produce the relevant documents and evidence in support of his claim. The petitioner duly submitted his reply to the

aforesaid notice along with all relevant documents and categorically stated that he had been in possession of the property since the date of its purchase. The petitioner cooperated with the authorities and furnished the requisite documents in support of his lawful ownership and possession of the property. Pursuant to the objection raised by Santoshi Nishad, a team headed by the Revenue Inspector was constituted to conduct an inquiry into the matter, and a report was called for from the concerned authorities. In its report, the Revenue Inspector stated that the land bearing Khasra No. 675/2, admeasuring 0.40 hectare, had been declared as Abadi land by Respondent No. 3 vide order dated 09.12.2004. The aforesaid inquiry further revealed that several sale deeds had been executed in respect of the land bearing Khasra No. 675/2. It was also observed that separate land had been earmarked for the market and that the land in question had not been transferred to the Nagar Panchayat. Furthermore, it was noted that separate land bearing Khasra Nos. 1602 and 1603, admeasuring 2.00 hectares, had been proposed for the Pouni Pasari Yojana. The report further recorded that the allegations made by Santoshi Nishad in her complaint were not found to be true. Petitioner also deposited the applicable taxes in respect of the property, thereby complying with the relevant requirements imposed by the authorities. After completion of the mutation proceedings, the petitioner submitted an application seeking permission to undertake construction over the property and

deposited the requisite fees before the concerned authorities. The petitioner furnished all the documents required for obtaining development permission. Upon consideration of the petitioner's application and the documents submitted by him, Respondent No. 7 granted development permission to the petitioner vide letter/order dated 19.01.2022, subject to the conditions specified therein. Respondent No. 8 also passed a resolution dated 11.03.2022, granting its no-objection in favour of the petitioner in respect of the proposed construction over the subject property. Thereafter, Respondent No. 7 issued an order dated 23.03.2023 granting permission for building construction over the subject property. Thus, the petitioner obtained the requisite permissions from the competent authorities after following the prescribed procedure and complying with the applicable requirements. After obtaining the requisite permissions from the concerned authorities, the petitioner commenced construction over the subject property. However, thereafter, certain complaints were made against the petitioner by persons whom the petitioner alleges to be politically motivated. The petitioner contends that the complaints were intended to exert undue pressure upon the authorities and obstruct the petitioner's lawful enjoyment and use of the property. The petitioner further alleges that the action taken against him was motivated by political considerations, as he is a member of the Bharatiya Janata Party. It is pertinent to mention that Santoshi Nishad, who had earlier

raised objections during the mutation proceedings and whose allegations were not found to be true in the inquiry conducted by the Revenue Inspector, again submitted complaints against the petitioner before the concerned authorities. On the basis of the subsequent complaints, the Tahsildar issued a notice dated 21.06.2022 to the petitioner through Respondent No. 5, despite the fact that the relevant documents had already been furnished by the petitioner and an inquiry had previously been conducted into the allegations. The petitioner duly submitted his reply dated 24.06.2022 to the aforesaid notice, reiterating his lawful ownership and possession of the property and placing on record the registered sale deed, the permissions granted by the competent authorities and other relevant documents. The petitioner specifically contended that the allegations levelled against him were false and intended to harass him. Subsequently, Respondent No. 3 passed an order dated 10.02.2023, directing Respondent No. 4 to lodge a First Information Report against the concerned Patwari and to initiate proceedings for cancellation of the petitioner's registered sale deed. The aforesaid order was passed without issuing any notice to the petitioner, without affording him an opportunity of hearing and without providing him an opportunity to present his case.

3. Facts in short giving rise to WPC No.3178 of 2023 are that land bearing Khasra No. 675/2 situated at Village Bhakhara, Tahsil Kurud, District Dhamtari, Chhattisgarh, which was purchased by the petitioner

through registered sale deeds from various purchasers who had acquired the respective portions of the land from their original owners and had duly recorded their names in the revenue records. Ramesh Kumar and Chetan purchased land admeasuring 4,250 square feet, situated at Village Bhakhara, P.H. No. 10, B.No. 148, bearing Khasra No. 675/2, from Kolhuram through a registered sale deed dated 23.08.2008. Pursuant thereto, their names were duly mutated in the revenue records. Dhaneshwar Sahu purchased land admeasuring 1,770 square feet, bearing Khasra No. 675/2, situated at Village Bhakhara, from Sukhram Sahu through a registered sale deed dated 21.01.2011, and his name was duly mutated in the revenue records. Budhram purchased land admeasuring 300 square feet, bearing Khasra No. 675/2, situated at Village Bhakhara, P.H. No. 10, B.No. 148, from Kolhuram through a registered sale deed dated 23.08.2008, and his name was duly mutated in the revenue records. Similarly, Harish Sahu purchased land admeasuring 325 square feet, bearing Khasra No. 675/2, situated at Village Bhakhara, P.H. No. 10, B.No. 148, from Kolhuram through a registered sale deed dated 23.08.2008, and his name was duly mutated in the revenue records. Relying upon the aforesaid chain of registered transactions, the petitioner purchased different portions of the land bearing Khasra No. 675/2 from the aforementioned persons through registered sale deeds in the year 2020, as i) The petitioner purchased land admeasuring 1,500 square

feet from Ramesh Kumar and Chetan through a registered sale deed dated 26.08.2020. ii). The petitioner purchased land admeasuring 897 square feet from Dhaneshwar Sahu through a registered sale deed dated 04.08.2020. iii). The petitioner purchased land admeasuring 300 square feet from Budhram through a registered sale deed dated 28.08.2020. iv). The petitioner purchased land admeasuring 325 square feet from Harish Sahu through a registered sale deed dated 04.08.2020. The aforesaid properties are situated at Village Bhakhara, Tahsil Kurud, District Dhamtari, and are identified by Khasra No. 675/2. The petitioner acquired the said portions through registered instruments of sale. Prior to and in connection with the aforesaid transactions and the subsequent mutation proceedings, the Nagar Panchayat, Bhakhara issued No Objection Certificates (NOCs) on the dates stated to be 09.01.2020, 24.08.2020, 05.09.2014 and 20.08.2014. Further, the Chhattisgarh State Power Distribution Company Limited (CSPDCL) issued an electricity NOC dated 29.01.2022. The petitioner thereafter submitted an application for mutation of his name in the revenue records and deposited the requisite fee of Rs. 6,000/- before the competent authority. An objection was subsequently raised by Smt. Santoshi Nishad, a Councillor (Parshad), allegedly at the instance of political leaders belonging to the ruling Congress Party. Pursuant to the said objection, the Tahsildar, Bhakhara issued a memorandum dated 21.12.2021 in

connection with the proceedings concerning the land in question. The Tahsildar, Bhakhara initiated proceedings on the basis of the complaint and prepared a panchnama/report, culminating in a memorandum dated 31.10.2020. As per the petitioner's case, the objection raised in the said proceedings was rejected. Revenue Case No. 202110132300019 for the year 2021–2022 was also registered, and demarcation of the land was conducted, pursuant to which a report was prepared. Smt. Santoshi Nishad again submitted a complaint in respect of the land bearing Khasra No. 675/2. The concerned revenue authority, while dealing with the complaint, observed that the question of declaring a registered sale deed void falls within the jurisdiction of the competent Civil Court. It was further stated that the proposal or offer of the Gram Panchayat had been rejected by an order dated 19.06.2013. A meeting of the Nagar Panchayat, Bhakhara was held on 11.03.2022, in which a resolution concerning Khasra No. 675/2 was passed, and permission for construction was granted in respect of the land in question. Further, an advertisement relating to the mutation list had been published on 02.03.2021. On 11.11.2020, the Tahsildar, Bhakhara seized certain articles, including wire, tin sheets, bamboo, cement and iron pillars, from the land bearing Khasra No. 675/2, Ward No. 7, without issuing prior notice to the petitioner, notwithstanding the petitioner's claim that he possessed valid permission for construction of a house on the said

land. The petitioner subsequently submitted an application dated 14.12.2022 seeking the return of the seized articles, relying upon the NOCs and permissions available to him. Upon examination of the petitioner's claim and entitlement, the seized articles were returned on 03.01.2023 by the Nagar Panchayat/Nagar Palika, Bhakhara. The petitioner asserts that he possesses valid permission for construction of a house on the land in question, duly issued by the competent authority. Further, the petitioner relies upon the relevant record concerning possession, commonly referred to as the Kabja Khasra, in respect of the abadi land bearing Khasra No. 675/2. A proposal concerning the establishment of a Haat Bazar was considered in a Panchayat meeting held on 12.08.2011. The petitioner relies upon the proceedings of the said meeting and the accompanying list of lands to contend that the land purchased by him was not earmarked or allocated for the purpose of the Haat Bazar. A team headed by the Revenue Inspector was constituted to examine the status and nature of the land bearing Khasra No. 675/2. The report prepared by the team, read with the order of the Collector dated 09.12.2004, records that the land in question was classified as abadi land and that several sale deeds had been executed in respect of portions of the said Khasra number. The aforesaid report and the related revenue records further indicate, according to the petitioner, that separate land had been identified for the purposes of the Bazar and that the land in

question had not been transferred to the Nagar Panchayat. It was also noted that separate land bearing Khasra Nos. 1602 and 1603, admeasuring 2.00 hectares, had been proposed for the Pouni Pasari Yojana. The report further questioned the correctness of the complaint made by Smt. Santoshi Nishad. Despite the aforesaid registered sale deeds, revenue proceedings, demarcation report, permissions and other relevant records relied upon by the petitioner, the Collector, Dhamtari passed Order No. 315/Land Records/Land Records/C.A. Land Records/2023, dated 10.02.2023, in relation to the land in question.

4. Mr. Parag Kotecha, counsel for the petitioner in WPC No.1895 of 2023 submits that order dated 10.02.2023 was passed in an arbitrary and unfair manner, without due application of mind and in violation of the principles of natural justice. The petitioner further contends that Respondent No. 3 merely reproduced the allegations contained in the complaints submitted by the complainants without conducting an independent and impartial inquiry or considering the petitioner's explanation and the documents already placed on record. The said order was not communicated to the petitioner. The petitioner came to know about the same through local newspapers and thereafter obtained a copy of the order under the Right to Information Act. The petitioner submits that the direction to initiate proceedings for cancellation of his registered sale deed, without following the

procedure established by law and without affording him an opportunity of hearing, is illegal, arbitrary and unsustainable in law. The petitioner contends that the impugned action threatens his lawful ownership, possession and enjoyment of the subject property and is contrary to the protection guaranteed under Article 300-A of the Constitution of India, which provides that no person shall be deprived of his property save by authority of law. He also submits that the concerned authorities, having previously considered the relevant documents, conducted an inquiry into the objections and granted the requisite development and building construction permissions, could not subsequently proceed against the petitioner in an arbitrary manner without due process of law. The petitioner contends that the impugned action is contrary to the principles of natural justice and the constitutional protection of property rights. Being aggrieved by the impugned order dated 10.02.2023 and the consequential action initiated or proposed against him, the petitioner has approached this Court seeking appropriate reliefs for protection of his lawful rights and for quashing the impugned action, in accordance with law.

5. Mr. Ritesh Verma, counsel for the petitioner in WPC No.3178/2023 submits that the order dated 10.02.2023 was passed without issuing any notice to him and without affording him an opportunity of hearing, although the order adversely affected his rights and interests in the purchased property. The Collector also directed the lodging of an FIR

against the Patwari and initiation of proceedings for cancellation of the registered sale deeds. The petitioner contends that such directions were issued without affording him an opportunity to explain his case and in disregard of the relevant documents and proceedings concerning the land. The petitioner further contends that the impugned order was passed under the influence of political pressure and suffers from arbitrariness, bias and misuse of authority. The petitioner states that the order was never communicated to him and that he came to know of its existence through a newspaper report. Thereafter, he immediately applied for a copy of the order under the Right to Information Act. The petitioner submits that he acquired the land through registered sale deeds, relying upon the title and revenue records of his predecessors, and that the relevant authorities had undertaken proceedings concerning the nature, demarcation and use of the land. He further relies upon the NOCs, construction permission, mutation-related records and other documents in support of his claim. The petitioner is aggrieved by the impugned order dated 10.02.2023 passed by the Collector, Dhamtari, as well as the consequential action initiated pursuant thereto, particularly the direction for registration of an FIR against the Patwari and the proposed proceedings for cancellation of the registered sale deeds. He also submits that Collector had no jurisdiction to direct cancellation of registered sale deeds merely on the basis of an administrative enquiry. Questions relating to title,

ownership, validity of registered sale deeds, can only be adjudicated by competent Civil Court. Revenue Authorties cannot declare registered sale deeds void. {See :- ***Balwant Singh vs. Daulat Singh {(1997)7 SCC 137} , Suraj Bhan vs. Financial Commissioner {(2007) 6 SCC 186}}***.

6. Mr. Shobhit Mishra, learned State counsel submits that upon perusal of the documents placed on record, particularly the registered sale deed dated 26.08.2020 (Annexure P/1), it is evident that the land bearing Khasra No. 675/2 has been described as Abadi land, and the petitioner has purchased land admeasuring 1,230 square feet. Section 243 of the Chhattisgarh Land Revenue Code, 1959 (hereinafter referred to as “the Code”) deals with the concept of Abadi land. The nature, classification and legal status of the land in question are, therefore, required to be examined in the light of the relevant statutory provisions and revenue records. If the land in question is established to be Government Abadi land, the petitioner cannot claim rights contrary to the applicable statutory provisions merely on the basis of a registered sale deed. The registration of a sale deed, by itself, does not conclusively establish the transferor's lawful title to the property or validate a transfer that is otherwise prohibited by law. The State Government, through the competent revenue authorities, retains the powers conferred upon it by law to regulate and protect Government land and to take appropriate action in respect of any unauthorized

transfer thereof. On the basis of complaints made by Smt. Santoshi Nishad and Shri Bharat Nahar, the Collector, Dhamtari (Chhattisgarh), initiated an inquiry into the matter. The petitioner was also afforded an opportunity of hearing during the course of the proceedings, as is evident from Annexures P/9 and P/10. Accordingly, the proceedings initiated by the Collector were undertaken pursuant to complaints regarding the nature and transfer of the land in question, and the petitioner was given an opportunity to present his case before the competent authority. Upon perusal of Annexure P/11, it is evident that the petitioner's principal grievance is directed against the second paragraph of the order dated 10.02.2023, whereby the Collector, Dhamtari, directed the Chief Municipal Officer to institute appropriate civil proceedings seeking a declaration that the registered sale deed relating to the land in question is null and void. The impugned direction was issued in the backdrop of alleged irregularities concerning the preparation of the map and the failure of the concerned revenue officials to update the relevant revenue records. In view of the alleged irregularities and the question concerning the purported transfer of Abadi land, the Collector considered it appropriate to direct the initiation of civil proceedings for adjudication of the validity of the registered sale deed by the competent Civil Court. The Collector also issued directions concerning the suspension of the concerned Patwaris and the registration of an FIR against the officials allegedly

responsible for the irregularities. The aforesaid actions were directed in the context of the alleged administrative and revenue irregularities and the need to take appropriate action in accordance with law. It is submitted that the Collector, vide order dated 10.02.2023 has merely directed the Chief Municipal Officer to institute appropriate civil proceedings before the competent Civil Court for seeking a declaration regarding the validity of the registered sale deed. The impugned direction does not, by itself, constitute a final judicial adjudication declaring the sale deed null and void. The validity of the sale deed and the rights, if any, claimed by the petitioner are matters that may be adjudicated by the competent Civil Court in accordance with law. The petitioner shall have the opportunity to raise all legally permissible objections and defend his interests in the event that such civil proceedings are instituted. Consequently, the direction to institute civil proceedings, by itself, does not amount to a final determination of the petitioner's title or civil rights in respect of the property. It is further submitted that, prior to the passing of the order dated 10.02.2023, the petitioner was afforded an opportunity to present his case, as is evident from the letter dated 19.10.2020 pursuant to which the petitioner – Kuleshwar submitted his reply but petitioner – Tankeshwarpuri has not submitted any reply. Therefore, the petitioner's contention that no opportunity of hearing was granted prior to the passing of the impugned order is contrary to the documents

available on record. In these circumstances, the impugned direction, insofar as it relates to the institution of civil proceedings, cannot be assailed merely on the ground that the petitioner was not afforded an opportunity of hearing, particularly when the record reflects that an opportunity to submit his response had been provided. It is submitted that the petitioner has invoked the extraordinary writ jurisdiction of this Court to challenge the order dated 10.02.2023 passed by the Collector, Dhamtari (Chhattisgarh), despite the availability of an alternative statutory remedy under the applicable provisions of the Code of 1959, before the competent revenue authority, including the Commissioner, Raipur Division, as may be applicable in the facts and circumstances of the case. The petitioner has not demonstrated any sufficient ground warranting interference by this Court in the exercise of its extraordinary jurisdiction without first availing the statutory remedy available under the law. It is, therefore, submitted that the present writ petition is liable to be dismissed on the ground of availability of an efficacious alternative remedy, subject to the discretion of this Court and the applicability of the recognized exceptions to the rule of alternative remedy.

7. Mr. Shikhar Shukla, learned counsel appearing for Respondent No. 8, Nagar Panchayat, Bhakhara, submits that the land in question, bearing Khasra No. 675/2, was originally recorded as Abadi land and that the Nagar Panchayat has taken steps in accordance with the relevant

revenue records and applicable provisions of law. He submits that the Nagar Panchayat, in its meeting dated 11.03.2022, passed a resolution granting no-objection for construction over the subject land. It is further submitted that the petitioners have obtained registered sale deeds from their respective vendors and that the relevant permissions and NOCs were issued by the competent authorities. Learned counsel submits that the Nagar Panchayat has no authority to declare the registered sale deeds null and void, as such questions fall within the jurisdiction of the competent Civil Court. He, therefore, submits that the rights and title of the petitioners are required to be adjudicated by the competent Civil Court in accordance with law.

8. I have heard counsel for the parties and perused the documents annexed with the petition carefully.

9. From a perusal of the impugned order dated 10.02.2023, it appears that the Collector, District Dhamtari, upon examining the relevant revenue records and the inquiry report, found that certain irregularities had occurred in the preparation and maintenance of the revenue records relating to Khasra No.675/2.

10. The Collector observed that although the original settlement had declared the land as Abadi land, the then concerned Halka Patwari had allegedly made incorrect corrections in the revenue records and prepared an erroneous map, resulting in subsequent transactions in respect of the land in question. On the basis of the aforesaid findings,

the Collector directed the authorities to take appropriate action against the concerned revenue officials, including suspension, registration of an FIR and initiation of departmental proceedings, in accordance with law. The Collector further observed that due to the alleged incorrect preparation of the revenue records and map, the total area reflected against Khasra No.675/2 had increased from 0.40 hectare to 0.56 hectare. It was observed that an additional area of 0.16 hectare, which allegedly fell within the boundaries of Government grassland bearing Khasra No.1603, had been included in Khasra No.675/2. Accordingly, the Collector directed the Tahsildar, Bhakhara, to create a separate Khasra No.675/3 for the additional area of 0.16 hectare so that the revenue records could be corrected and maintained accurately.

11. The Collector further observed that out of the aforesaid additional area, 0.10 hectare was occupied by the Pouni Pasari established by Nagar Panchayat, Bhakhara, whereas the remaining 0.06 hectare had allegedly been treated as Abadi land and transferred through registered sale deeds. Consequently, the Chief Municipal Officer, Nagar Panchayat, Bhakhara, was directed to institute appropriate proceedings before the competent Civil Court for seeking a declaration that the concerned sale transactions were null and void.

12. A perusal of the record further reveals that the impugned order was passed pursuant to complaints submitted by Smt. Santoshi Nishad, Councillor, Nagar Panchayat, Bhakhara, and Shri Bharat Nahar,

former President of the Nagar Panchayat, alleging illegal purchase and sale of land forming part of the Haat Bazar and other public utility lands bearing Khasra Nos.675/2, 1602 and 1603. The complaints also contained allegations concerning illegal transfer of Nagar Panchayat land, including allegations relating to the sale of land associated with the pond and other public properties. The Collector considered the aforesaid complaints after obtaining a detailed inquiry report from the Additional Collector, Dhamtari.

13. The principal question that arises for consideration in the present writ petitions is whether the Collector, in exercise of his administrative and revenue jurisdiction, could himself declare the registered sale deeds executed in favour of the petitioners null and void or direct their cancellation.

14. It is a settled position of law that mutation entries in revenue records neither create nor extinguish title to immovable property. Similarly, revenue authorities, while exercising their jurisdiction under the revenue laws, cannot adjudicate complicated questions of title or declare a registered sale deed void where such adjudication falls within the jurisdiction of a competent Civil Court.

15. However, in the present case, upon a careful reading of the impugned order, it is evident that the Collector has not himself declared the registered sale deeds executed in favour of the petitioners null and void. Rather, he has directed the Chief Municipal Officer, Nagar

Panchayat, Bhakhara, to institute appropriate civil proceedings before the competent Civil Court seeking a declaration regarding the validity of the transactions.

16. It is, therefore, clear that the impugned order, insofar as it relates to the registered sale deeds, is only an administrative direction to initiate appropriate civil proceedings and does not constitute an adjudication of the petitioners' title or a declaration invalidating their registered sale deeds.

17. It is also not disputed before this Court that, as on the date of consideration of these writ petitions, no civil suit pursuant to the aforesaid direction has been instituted against the petitioners.

18. In the event that the competent authority or the Nagar Panchayat institutes a civil suit seeking a declaration that the registered sale deeds are null and void, the petitioners shall be entitled to contest the proceedings in accordance with law. They shall have the opportunity to file their written statements, produce documentary and oral evidence and raise all permissible objections concerning the nature of the land, their vendors' title, the validity of the registered sale deeds and their rights over the subject property.

19. The question whether the subject land was Government land, Abadi land or land earmarked for any public purpose, as well as the validity of the registered sale transactions, would be required to be

adjudicated by the competent Civil Court on the basis of the pleadings and evidence led by the parties.

20. The contention of the petitioners that their registered sale deeds have already been declared null and void by the Collector is, therefore, misconceived. No such declaration has been made under the impugned order.

21. The petitioners' grievance regarding violation of the principles of natural justice, insofar as the proposed civil proceedings are concerned, is also premature. The direction issued by the Collector does not finally determine any civil right or title of the petitioners. In the event of institution of civil proceedings, the petitioners will have a full and effective opportunity to defend their respective interests before the competent Civil Court.

22. It is, however, clarified that the aforesaid observations shall not be construed as an expression of opinion by this Court on the merits of the rival claims concerning the title, classification or legal status of the subject land.

23. Also this Court, while entertaining the writ petitions, had passed interim orders dated 24.04.2023 in WPC No.1895 of 2023 and 17.07.2023 in WPC No.3178 of 2023, staying the effect and operation of the impugned order dated 10.02.2023 only to the extent it concerned the registered sale deeds executed in favour of the

respective petitioners. However, it was specifically clarified that the State authorities would remain at liberty to proceed further in respect of the other directions contained in the impugned order.

24. Considering the nature of the dispute and the fact that the petitioners claim to have purchased the subject properties through registered sale deeds, relying upon the existing revenue records and permissions issued by the competent authorities, this Court finds that their rights cannot be adversely affected merely on the basis of an administrative inquiry without adjudication by the competent forum.

25. The petitioners cannot be held responsible for any alleged irregularities committed by the revenue officials in the preparation or maintenance of the revenue records, merely because they subsequently purchased the land on the basis of the records available at the relevant time. Nevertheless, the question whether the vendors possessed transferable title and whether the transactions are legally sustainable shall remain open for adjudication before the competent Civil Court.

26. In view of the aforesaid discussion, this Court is of the considered opinion that the direction issued by the Collector to the Chief Municipal Officer, Nagar Panchayat, Bhakhara, to institute appropriate civil proceedings for seeking a declaration regarding the validity of the registered sale deeds does not, by itself, warrant interference in the present writ jurisdiction.

27. At the same time, the authorities are required to ensure that no coercive action is taken against the petitioners in respect of their purchased properties merely on the basis of the impugned order, unless such action is taken in accordance with law and pursuant to an appropriate order passed by a competent forum.

28. Accordingly, it is directed that:

(i) The concerned authorities shall not take any coercive steps against the petitioners in respect of the subject properties pursuant to the impugned order dated 10.02.2023, till appropriate civil proceedings are instituted before the competent Civil Court, if not already instituted.

(ii) In the event of institution of any civil suit seeking a declaration that the registered sale deeds executed in favour of the petitioners are null and void, the petitioners shall be impleaded as necessary parties and shall be afforded an opportunity to contest the proceedings in accordance with law.

(iii) All questions relating to the title, ownership, nature, classification and validity of the registered sale deeds shall remain open for adjudication by the competent Civil Court, without being influenced by any observations made in the present order.

(iv) The State authorities shall remain at liberty to proceed with the other directions contained in the impugned order dated 10.02.2023, particularly those relating to the alleged irregularities committed by the concerned revenue officials, strictly in accordance with law.

29. With the aforesaid observations and directions, both the writ petitions stand **disposed of.**

Sd/-
(Amitendra Kishore Prasad)
Judge

Avinash