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CGHC010216092021 2026:CGHC:45473

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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 3452 of 2021

Jainam Builders Pvt. Ltd. A Company Incorporated Under The Indian Companies Act 1956 Through Its Director Ankit Parakh S/o Shri Sunil Parakh, Aged 31 Years, R/o 32, Ashirwad Tower, Near Raj Talkies, G.E. Road, District- Raipur, Chhattisgarh, District : Raipur, Chhattisgarh

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through- Secretary, Department Of Revenue, Mahanadi Bhawan, Atal Nagar, Naya Raipur, Chhattisgarh, District : Raipur, Chhattisgarh

2 - Collector Durg District- Durg, Chhattisgarh, District : Durg, Chhattisgarh

3 - Sub Divisional Officer Patan, District- Durg, Chhattisgarh, District : Durg, Chhattisgarh

4 - State Economic Offence Investigation Wing Through- Adg Eow, In Front Of Jai Jawan Petrol Pump, Telibandha Road, Raipur, Chhattisgarh, District : Raipur, Chhattisgarh

5 - Tahsildar Patan, District- Durg, Chhattisgarh, District : Durg, Chhattisgarh

6 - Patwari Village- Mahuda, Tahsil- Patan, District- Durg, Chhattisgarh, District : Durg, Chhattisgarh

7 - Kheluram S/o Budhram Aged About 81 Years R/o Village- Mahuda, Tahsil- Patan, District-Durg, Chhattisgarh, District : Durg, Chhattisgarh

... Respondent(s)

(Cause title taken from CIS System)

For Petitioner(s)	**:**	Mr. Rajeev Shrivastava Sr. Advocate along

with Ms. Samidha Karambelkar, Advocate

For Respondent(s) **:** Mr. Anil Pandey, GA

Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

28.10.2026

1. The petitioner has filed this petition with the following reliefs:-

> *" 10.1 That this Hon'ble Court may kindly be pleased to set aside the impugned order dated 11.12.2019 passed by respondent No. 2 in Revenue Case No. 51/B/121/2019-20 and order dated 17.10.2019 passed by respondent No.3.*
>
> *10.2 Cost of the petition may also be granted to the petitioner.*
>
> *10.3. Any other relief/reliefs which this Hon'ble Court may think fit and proper in the facts and circumstances of the case, with the cost of the petition, may also please be granted to the petitioner."*

2. Learned Senior Counsel appearing for the petitioner submits that vide impugned order dated 11.12.2019, passed by respondent No. 2/Collector, Durg, District Durg (C.G.), in Revenue Case No. 51/B/121/2019-20, the Collector while entertaining the revenue case, found that permission had not been sought as required under Section 165(7-b) of the Chhattisgarh Land Revenue Code, 1959 and, as such, the sale-deed executed in favour of the petitioner was not in accordance with law. According to Section 165(7-b) of the Chhattisgarh Land Revenue Code, 1959, prior

permission was required to be obtained, which had not been obtained. Accordingly, the concerned Collector held the sale deed to be null and void and further directed that the land be recorded in the name of the State Government. He further submits that insofar as the declaration of the sale-deed as null and void is concerned, the Revenue Court does not have the power or authority to pass such an order, as the same falls within the exclusive jurisdiction of the competent Civil Court. The concerned Collector, therefore, could not have declared the sale- deed null and void and, as such, the impugned order is not in accordance with law.

3. Learned State counsel submits that the concerned Collector has rightly passed the order, since permission under Section 165(7-b) of the Code, 1959 was not obtained from the concerned Collector, as the land was *patta* land and as such, no sale-deed could be executed. Accordingly, the concerned Collector has rightly passed the order declaring the sale-deed to be null and void, which is, in fact, inoperative in law. He further submits that the direction of the Collector to record the name of the State in the revenue records is in accordance with law and falls within the jurisdiction of the concerned Collector in exercise of his revenue powers. Therefore, there is no illegality in the impugned order.

4. Having heard learned counsel for the parties and upon perusal of the record, it is evident from a bare perusal of the impugned order

that, insofar as the declaration of the sale deed as null and void is concerned, the concerned Collector does not have the power or authority to pass such an order in exercise of his revenue jurisdiction, as the same falls within the domain of the concerned Civil Jurisdictional Courts. Accordingly, the Collector cannot pass such an order. However, insofar as the mutation is concerned, the order has rightly been passed and does not warrant interference. Accordingly, the impugned order, insofar as it declares the sale-deed null and void, is hereby set aside. The State shall be at liberty to challenge the said sale-deed before the concerned Civil Jurisdictional Courts.

5. Accordingly, the writ petition is **allowed** to the extent indicated hereinabove.

SD/-
(Amitendra Kishore Prasad)
Judge

AMIT PATEL