CGHC010273572023 2026:CGHC:45685

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Order Reserved on 17.09.2026

Order Passed on 29.10.2026

WPC No. 3763 of 2023

1 - Smt. Pooja Golcha W/o Harish Golcha, Aged About 42 Years R/o Aspatal Ward, Kondgaon, Tehsil And District Kondagoan, Chhattisgarh.

--- **Petitioner**

RAVVA UTTEJ KUMAR RAJU Digitally signed by RAVVA UTTEJ KUMAR RAJU Date: 2026.10.29 18:02:25 +05:30

Versus

1 - State of Chhattisgarh District Kondagaon, Chhattisgarh.

2 - Collector Kondagoan, District Kondagaon, Chhattisgarh.

3 - Sub Divisional Officer Revenue, Kondagoan, District Kondagaon, Chhattisgarh.

4 - Tehsildar, Kondagaon, District Kondagoan, Chhattisgarh.

5 - Mohit Rathore, S/o S. Rathore, Kondagaon, District Kondagaon, Chhattisgarh. (The Address As Shown In The Impugned Order Has Been Reproduced. The Correct And Current Address Is Not Known To The Petitioner).

--- **Respondents**

WPC No. 3824 of 2023

1 - Harish Golcha S/o. Late Shri Anand Raj Golcha, Aged About 49 Years R/o. Aspatal Ward, Kondagaon, Teshil And District Kondagaon, Chhattisgarh.

---**Petitioner**

Versus

1 - State Of Chhattisgarh Through Secretary, Revenue And Disaster Management, Nawa Raipur, Atal Nagar, Raipur, District - Raipur, Chhattisgarh.

2 - Collector Kondagaon, District - Kondagaon, Chhattisgarh.

3 - Sub Divisional Officer Revenue, Kondagaon, District - Kondagaon, Chhattisgarh.

4 - Tehsildar, Kondagaon, District - Kondagaon, Chhattisgarh.

5 - Mohit Rathore, S/o. S. Rathore, Kondagaon, District - Kondagaon, Chhattisgarh. (The Address As Shown In The Impuged Order Has Been Reproduced. The Correct And Current Address Is Not Known To The Petitioner).

--- **Respondents**

(Cause title is downloaded from CIS Periphery.)

For Petitioners	:	Mr. Manoj Paranjpe, Sr. Advocate along with Mr. Rishabh Gupta, Advocate.
For State	:	Mr. Vivek Verma, G.A.

Hon'ble Mr. Justice Amitendra Kishore Prasad

C.A.V. Order

1. Both these captioned writ petitions share a common background and involve the same issues, therefore, they were clubbed, heard together and are disposed of by this common order.

2. For the sake of convenience, Writ Petition (C) No. 3763 of 2023 is treated as the lead case. In the said petition, the petitioner has questioned the legality, validity and propriety of the order dated 26.06.2023 passed by the Collector, Kondagaon, in Revenue Case No. 202304200100018/B-121/22-23, whereby the allotment made in her favour was cancelled without issuance of notice or affording an opportunity of hearing. The petitioner has, therefore, prayed for setting aside the impugned order and restoration of the original allotment. The petitioner is seeking following reliefs:-

> "**10.1** That, this Hon'ble Court may kindly be pleased to issue a writ/writs, order/orders, direction/directions and the order passed by the Collector dated 26.06.2023 passed in Revenue Case No. -E-Court number 202304200100018/B-121/22-23 may kindly be set aside and the order of allotment made in favour of the petitioner may kindly be restored.
>
> **10.2** That, this Hon'ble Court may kindly be pleased to grant any other relief(s), which is deemed fit and proper in the aforesaid facts and circumstances of the case."

3. Briefly stated, the facts of the case as adumbrated in the petition is that the petitioner is the Bhumiswami of land bearing Khasra No. 2/15, admeasuring area 7500 sq. ft., situated at Village Chikalputhi, District Kondagaon, and claims to have been in

possession thereof since the year 2009, over which she had also raised a boundary wall. Pursuant to her application for allotment, the Collector registered Revenue Case No. 269/A-20(1)-2019-20 and, after completion of the requisite proceedings, settled the aforesaid land in favour of the petitioner. An allotment order was thereafter passed, the petitioner deposited the amount of Rs.2,66,987/- assessed towards lease rent and a registered deed was executed in her favour on 27.05.2020, pursuant to which her name was recorded in the revenue records. Subsequently, on the basis of a complaint submitted by one Mohit Rathore in respect of the aforesaid allotment, the Collector, Kondagaon, registered Revenue Case No. 202304200100018/B-121/2022-23 and called for a report from the Sub-Divisional Officer (Revenue), Kondagaon. On the basis of the report dated 07.06.2023, the Collector passed the order dated 26.06.2023 cancelling the allotment made in favour of the petitioner. The petitioner states that the aforesaid order was passed without issuance of notice or affording an opportunity of hearing to her and that she came to know of the cancellation and consequential correction in the revenue records upon obtaining the relevant record on 10.08.2023. Aggrieved by the said order dated 26.06.2023, the petitioner has preferred the present petition, principally questioning the manner in which the allotment was cancelled and the jurisdiction of the Collector to review or recall the earlier allotment order. Hence, this petition.

4. Mr. Manoj Paranjpe, learned Senior Advocate along with Mr. Rishabh Gupta, learned counsel for the petitioner would submit that the allotment proceedings had culminated in payment of the assessed amount, continuation of possession, execution of a registered allotment/lease deed and consequential revenue entries, thereby creating valuable civil rights in favour of the petitioner, which could not have been annulled merely by an administrative or revenue order. Relying upon the judgments in ***A. Sanjeev Sharma and another v. Gaya Prasad and others*****, W.P.227 No. 560 of 2015, 2026:CGHC:40240, decided on 15.09.2026**, ***Smt. Neha Chowda and another v. College Ward Co-operative Housing Society and others*****, W.P. No. 3782 of 2004**, **decided on 25.01.2018**, and ***Madhya Pradesh Housing Board v. Shiv Shankar Mandil*****, (2008) 14 SCC 531** learned counsel would next submit that a revenue authority may examine the legality of revenue entries or proceedings within the limited jurisdiction conferred by the Chhattisgarh Land Revenue Code,1959 but cannot assume the plenary jurisdiction of a civil court to adjudicate upon the validity of, or cancel, a registered instrument and extinguish the civil rights flowing therefrom. It is further submitted that the original allotment was made by the Collector after due proceedings in Revenue Case No. 269/A-20(1)-2019-20 under the applicable Revenue Book Circular, which contains no provision conferring a substantive power of review upon the Collector to reopen and reverse a concluded

allotment. Section 50 of the Chhattisgarh Land Revenue Code, 1959, being a revisional provision concerning orders of subordinate Revenue Officers, could not have been invoked to enable the Collector to sit in review over an order passed by his own predecessor. Even if the impugned proceedings are treated as one under Section 51, the same would be without jurisdiction in the absence of the requisite prior sanction of the competent superior authority. Relying upon ***Naresh Kumar and others v. Government (NCT of Delhi)*****, (2019) 9 SCC 416, and *Madhya Pradesh Housing Board* (supra)**, it is submitted that the power of review is not inherent, must be specifically conferred by law and cannot be exercised after an unreasonable delay so as to unsettle rights which have already accrued pursuant to payment, possession and execution of a registered deed. It is therefore contended that the Collector, by reopening the concluded allotment after about three years and cancelling the registered allotment/lease deed, has acted beyond the jurisdiction vested in him.

He would also submit that the impugned order dated 26.06.2023 is independently liable to be set aside for gross violation of the principles of natural justice, inasmuch as neither the complaint dated 24.04.2023 nor the inquiry report dated 07.06.2023, nor the material relied upon by the Collector, was ever supplied to the petitioner, and no show-cause notice or opportunity of hearing was afforded to her before the allotment

was cancelled. The matter was reserved on 19.06.2023 and the impugned order was passed on 26.06.2023 without associating the petitioner with the proceedings at any stage. It is submitted that the principle of *audi alteram partem* was therefore completely disregarded and the petitioner has suffered manifest prejudice as her registered rights and consequential revenue entries were cancelled without hearing her. Learned counse for the petition next contends that the present writ petition is maintainable notwithstanding the availability of any alternative remedy, as the rule of alternative remedy is a rule of discretion and not an absolute bar to the exercise of jurisdiction under Article 226 of the Constitution. Placing reliance upon ***Godrej Sara Lee Ltd. v. Excise and Taxation Officer-cum-Assessing Authority and others*****, 2023 SCC OnLine SC 95**, and ***South Indian Bank Ltd. and others v. Naveen Mathew Philip and another*****, 2023 SCC OnLine SC 435**, it is contended that the present case falls within the settled exceptions, since the impugned action is alleged to be wholly without jurisdiction, has been taken in violation of natural justice and raises a pure question of law regarding the Collector's competence to review the earlier allotment and nullify the registered instrument. Learned counsel for the petitioner lastly submits that the impugned order dated 26.06.2023 deserves to be quashed and the petition be allowed.

5. *Ex adverso*, learned counsel appearing for the State/Answering Respondents, while opposing the petition, submits that the writ

petition is not maintainable in view of the efficacious alternative remedy available to the petitioner under Section 44 of the Chhattisgarh Land Revenue Code, 1959, by way of an appeal before the Commissioner. It is further submitted that, pursuant to the complaint made by respondent No.4 alleging illegality in the allotment of the subject land, the Collector, Kondagaon, registered Revenue Case No. 202304200100018/B-121/22-23 and directed the Sub-Divisional Officer (Revenue), Kondagaon, to conduct an inquiry. Upon examination of the relevant records, the SDO (Revenue) submitted his report pointing out that the allotment had been made by relying upon the State Government circular dated 11.09.2019, which pertains to allotment/settlement of Government land situated in urban areas, whereas the subject land is situated in a rural area at Village Chikhalputi, Tahsil and District Kondagaon. He next submits that it was further found that the committee contemplated under Clause 6 of the said circular had not examined the petitioner's application and that the requisite No Objection Certificates from the concerned departments, as contemplated under Clauses 9 and 13 thereof, had also not been obtained. On consideration of the inquiry report and the relevant records, the Collector found the allotment to have been made contrary to the applicable guidelines and accordingly cancelled the same vide order dated 26.06.2023.

He further submits that the Collector was competent to review the earlier allotment order in exercise of the power

conferred under Section 51 of the Chhattisgarh Land Revenue Code, 1959, which empowers the Board and every Revenue Officer, subject to the conditions prescribed therein, to review an order passed by himself or by his predecessor in office. It is next contended that the impugned order has been passed upon examination of the entire record and the inquiry conducted by the competent revenue authority and is a reasoned and lawful order. He, therefore, submits that the petitioner has failed to establish any illegality or jurisdictional error warranting interference under Article 226 of the Constitution and that, in view of the availability of an alternative statutory remedy and the findings recorded by the Collector regarding the illegality of the original allotment, the petition deserves to be dismissed.

6. The Hon'ble Supreme Court, in **Khursheed and Another v. Shaqoor**, reported in **2024 SCC OnLine SC 2929**, has held, in paragraphs 10 and 11 thereof, as under:-

> "**10**. xxxxxxxxxxxxxxxxxxx this Court has held that the consolidation authorities do not have the jurisdiction and power to cancel a document, which is required to be set-aside or cancelled and the document will continue to be valid till it is cancelled by a Competent Court i.e. a Civil Court."
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> **11.** The allegation here is that the fraudulent misrepresentation was by petitioner No. 1's mother,

who executed the sale deed dated 09.08.2016 by impersonation, it would make the sale deed voidable, but not void. As such, in view of the law laid down by this Court in Gorakh Nath Dube (supra), the Sale Deed dated 09.08.2016 will binding on the Consolidation Authorities unless it is set aside by a competent Civil Court and there would be no bar on jurisdiction of the Civil Court to try a suit for cancellation of such a sale deed**."**

7. The Hon'ble Supreme Court, in **Shri Ram and Another v. 1st Addl. Distt. Judge and Others**, reported in **(2001) 3 Supreme Court Cases 24**, has, in paragraphs 5, 6 and 7 thereof, held as under:-

"**5**. The correctness of the decision in the above case has not been challenged before us. In fact, the said decision was approved in Bismillah v. Janeshwar Prasad reported in (1990) 1 SCC 207. In Gorakh Nath Dube v. Hari Narain Singh reported in (1973) 2 SCC 535 which is strongly relied upon by learned counsel for the respondents, it was held thus: (SCC p. 538, para 5)

"[B]ut, where there is a document the legal effect of which can only be taken away by setting it aside or its cancellation, it could be urged that the consolidation authorities have no power to cancel

> the deed, and, therefore, it must be held to be binding on them so long as it is not cancelled by a court having the power to cancel it."

6. The said decision is distinguishable and is of no help to the case of the respondents. The observation quoted above has to be understood in the context of the fact of the case. In the case, the plaintiff had filed a suit for cancellation of the sale deed to the extent of half-share claimed by the plaintiff and also an award of possession of the plaintiff's share. In the suit, it was alleged that the vendor had no title to the extent of half-share in the land and, therefore, the sale deed to that extent is void. In the said case there was no prima facie title in favour of the plaintiff and his title to the land and delivery of possession was required to be adjudicated.

7. On analysis of the decisions cited above, we are of the opinion that where a recorded tenure-holder having a prima facie title and in possesion files suit in the civil court for cancellation of sale deed having been obtained on the ground of fraud or impersonation cannot be directed to file a suit for declaration in the Revenue Court, the reason being that in such a case, prima facie, the title of the recorded tenure-holder is not under cloud. He does not require declaration of his title to the land. The position would be different where a person not being a recorded

tenure-holder seeks cancellation of sale deed by filing a suit in the civil court on the ground of fraud or impersonation. There necessarily the plaintiff is required to seek a declaration of his title and, therefore, he may be directed to approach the Revenue Court, as the sale deed being void has to be ignored for giving him relief for declaration and possession."

8. The Hon'ble Supreme Court, in **State Bank of India and Others v. Rajesh Agarwal and Others**, reported in **(2023) 6 SCC 1**, has held, in paragraphs 42 and 45 thereof, as under:-

"**42**. In Maneka Gandhi v. Union of India reported in (1978) 1 SCC 248, a seven-Judge Bench of this Court held that any person prejudicially affected by a decision of the authority entailing civil consequences must be given an opportunity of being heard. This has been reiterated in a catena of decisions of this Court.

45. In *Canara Bank v. V.K. Awasthy* reported in (2005) 6 SCC 321, a two-Judge Bench of this Court succinctly summarised the history, scope, and application of the principles of natural justice to administrative actions involving civil consequences in the following terms: (SCC pp. 331-332, para 14)

"14. Concept of natural justice has undergone a great deal of change in recent years. Rules of

> natural justice are not rules embodied always expressly in a stature or in rules framed thereunder. They may be implied from the nature of the duty to be performed under a statute. What particular rule of natural justice should be implied and what its context should be in a given case must depend to a great extent on the fact and circumstances of that case, the framework of the statute under which the enquiry is held. The old distinction between a judicial act and an administrative act has withered away. *Even an administrative order which involves civil consequences must be consistent with the rules of natural justice. The expression "civil consequences" encompasses infraction of not merely property or personal rights but of civil liberties, material deprivations and non-pecuniary damages. In its wide umbrella comes everything that affects a citizen in his civil life."*

9. Having heard learned counsel for the parties, considered the rival submissions advanced on their behalf and perused the material available on record, it is quite vivid that the allotment/settlement in favour of the petitioner had already been acted upon, inasmuch as the petitioner deposited the assessed amount of Rs.2,66,987/-, a registered instrument was executed in her favour on 27.05.2020 and consequential entries were made in the revenue records. Thus, the allotment did not remain a mere

administrative order but culminated in the execution of a registered instrument creating rights and interests in favour of the petitioner. In such circumstances, the subsequent exercise of jurisdiction by the Collector to annul the settlement and thereby nullify the effect of the registered instrument raises a fundamental question regarding the extent of the jurisdiction vested in him. The jurisdiction of the revenue authorities is circumscribed by the provisions of the Chhattisgarh Land Revenue Code, 1959, and the applicable Revenue Book Circular. In the absence of specific statutory authority, a revenue authority cannot assume the jurisdiction of a competent Civil Court to adjudicate upon the validity of, or cancel, a registered instrument. The power to set aside or cancel such an instrument, where its validity is disputed, must be exercised by the competent forum in accordance with law. Consequently, the Collector, while passing the impugned order dated 26.06.2023, travelled beyond the jurisdiction vested in him, insofar as the order purported to nullify the rights flowing from the registered instrument.

10. The principles of natural justice constitute an essential safeguard against arbitrary exercise of administrative power. It is a settled proposition of law that any administrative order entailing civil consequences must conform to the principles of natural justice, unless their application is expressly or impliedly excluded by law. In *State Bank of India and Others v. Rajesh Agarwal and Others*, reported in (2023) 6 SCC 1, the Hon'ble Supreme Court reiterated

that a person likely to be prejudicially affected by an administrative decision involving civil consequences must be afforded an opportunity of being heard. The requirement of a fair hearing assumes particular significance where an order seeks to divest a person of rights acquired pursuant to an earlier order of allotment, payment of the assessed amount and execution of a registered instrument.

11. In the light of the aforesaid legal position and having regard to the facts and circumstances of the present case, this Court is of the considered opinion that the impugned order dated 26.06.2023 is liable to be set aside on the additional and independent ground of violation of the principles of natural justice. The subsequent proceedings were initiated on the basis of a complaint submitted by respondent No. 4 and culminated in the inquiry report dated 07.06.2023 submitted by the Sub-Divisional Officer (Revenue), Kondagaon, upon which the Collector proceeded to cancel the petitioner's allotment. However, the petitioner was neither issued a show-cause notice nor supplied with the complaint, inquiry report or other material relied upon by the Collector, nor was she afforded an effective opportunity of hearing before an order entailing serious civil consequences was passed against her. The original allotment had already been acted upon by payment of the assessed amount, execution of a registered instrument and consequential entries in the revenue records. In such circumstances, the petitioner's rights could not have been

adversely affected without affording her a reasonable opportunity to meet the allegations and material relied upon against her. Even assuming that the allotment was alleged to have been made contrary to the Government circular dated 11.09.2019, the competent authority was required to exercise its powers in accordance with law and after following the principles of natural justice. The existence of an alternative remedy under Section 44 of the Chhattisgarh Land Revenue Code, 1959, does not, in the facts of the present case, constitute an absolute bar to the exercise of jurisdiction under Article 226 of the Constitution of India, particularly where the impugned action is alleged to suffer from jurisdictional infirmity and violation of the principles of natural justice. Accordingly, the impugned order is liable to be set aside.

12. Accordingly, the impugned order dated 26.06.2023 passed by the Collector, Kondagaon, in Revenue Case No. 202304200100018/B-121/2022-23 is hereby set aside. However, this Court has not expressed any opinion on the substantive validity of the original allotment/settlement, the applicability of the Government circular dated 11.09.2019, or the validity of the registered instrument dated 27.05.2020. The competent authorities shall remain at liberty to initiate or pursue such proceedings as may be permissible in law before the appropriate forum, subject to the jurisdiction vested in them and compliance with the applicable statutory provisions and the principles of natural justice.

13. As a consequence, both the writ petitions stand **allowed** in the aforesaid terms.

14. No order as to costs.

Sd/-
(Amitendra Kishore Prasad)
Judge

U.K. Raju