CGHC010409162026

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WP227 No. 1364 of 2026

SUMIT KUMAR
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Date: 2026.10.28 17:01:31 +0530

1 - Kamlesh Singh S/o Late Janardan Singh Aged About 65 Years Resident Of Apna Dhaba, Village Sendri, Tehsil And District Bilaspur (Chhattisgarh)

2 - Abhinay Singh S/o Late Rakesh Singh. Aged About 32 Years Resident Of Apna Dhaba, Village Sendri, Tehsil And District Bilaspur (Chhattisgarh)

... Petitioner(s)

versus

1 - Smt. Manju Singh (Died) (Deleted) Nill

1.1 - Smt Rachna Singh D/o Late Janardan Singh Resident Of C-19/187, 5k, Gulab Bagh, Sigra, Varanasi, Tehsil And District Varanasi (Uttar Pradesh)

1.2 - Smt Ruchi Singh D/o Late Janardan Singh Resident Of C-19/187, 5k, Gulab Bagh, Sigra, Varanasi, Tehsil And District Varanasi (Uttar Pradesh)

2 - Brijgopal Singh S/o Late Janardan Singh Aged About 36 Years Resident Of C-19/187, 5k, Gulab Bagh, Sigra, Varanasi, Tehsil And District Varanasi (Uttar Pradesh)

3 - State Of Chhattisgarh Through The Collector, Bilaspur, Office At Collectorate Complex, Near Nehru Chowk, District Bilaspur (Chhattisgarh)

4 - Eshan Bhandari S/o Vijay Krishna Bhandari, Aged About 39 Years R/o Near Mata Choura Sarkanda, Tehsil And Dist. Bilaspur, Chhattisgarh

5 - Kamal Singh Thakur S/o Vishwanath Singh Thakur Aged About 40 Years R/o Tilak Nagar, Chantapara, Bilaspur, Tehsil And Dist. Bilaspur, Chhattisgarh

... Respondent(s)

For Petitioner(s)	**:**	Mr. Rupesh Shrivastava, Advocate
For Respondent No.3	**:**	Ms. Richa Sahu, P.L. for the State

(Hon’ble Shri Justice Ravindra Kumar Agrawal, J.)

Order on Board

28/10/2026

1. Heard.

2. Present is a writ petition filed by the petitioners under Article 227 of the Constitution of India against the impugned order dated 25.09.2026 passed by learned XIIth District Judge, Bilaspur in Civil Suit No. A/116/2023, whereby the application under Section 151 of CPC filed by the petitioners has been rejected.

3. Learned counsel for the petitioners would submit that the petitioners are the plaintiffs before the learned trial Court, who are prosecuting a suit for specific performance of the oral contract executed between the plaintiffs and the defendants No.1 and 2 in the year 2016. He would submit that the plaintiffs are in possession of the suit land admeasuring 21.92 acres of different khasra numbers situated at village Sendri, Tehsil and District - Bilaspur since 1998 and cultivating the suit land regularly. They have entered into an agreement with the defendants No.1 and 2 to sell the entire suit land at the rate of Rs.5 lakh per acre, and the plaintiffs have paid an amount of Rs.50 lakh as an advance amount through cash and bank transaction. When the defendants No.1 and 2 evaded for registration of the sale deed, the plaintiffs have filed this civil suit for specific performance of the contract. Since the land is recorded in the name of defendants No.1 and 2, the plaintiffs would not be able to sell their paddy crop earned from the suit land and thereby the plaintiffs are suffering from a huge monetary loss every year. They could not get the proper value of their crop despite earning from the suit land every year.

4. He would further submit that an interim order of injunction has been passed in favour of the plaintiffs on 16.04.2024 by the learned trial Court and the alienation of the suit property was restrained. He would further submit that the plaintiffs are ready to complete the formalities as required under the relevant rules of the State Government for sale of paddy crop under the government scheme and no prejudice is being caused to anyone as the plaintiffs are in possession of the suit land and they earned the crop from there. Therefore, the application filed by the plaintiffs before the learned trial Court has been rejected on the ground that the plaintiffs are not the title holder of the suit property and the land is recorded in the name of defendants No.1 and 2 and against the statutory rules of the State Government for procurement of the paddy, the plaintiffs cannot be permitted to sell the paddy crop to the paddy procurement centre. He would further submit that by the order impugned, a serious prejudice is being caused to the livelihood of the plaintiffs also, for the reason that they sow the crop for their livelihood every year and they depend upon the crop. Therefore, the impugned order may be set aside and the plaintiffs may be permitted to sell their paddy crop with respect to the suit land to the concerned paddy procurement centre as per the prevailing rules and circulars of the State Government.

5. I have heard learned counsel for the petitioners and perused the documents annexed with the petition.

6. From perusal of the copy of plaint filed by the plaintiffs before the learned trial Court (Annexure P-2), it transpires that the plaintiffs are prosecuting a suit for specific performance of the oral contract which

was allegedly executed between the parties in the year 2016, though there is no specific date has been mentioned in the plaint. Though in the plaint, the plaintiffs are claiming that they are in possession of the suit land since 1998 and cultivating every year, but the fact remains that the suit of the plaintiffs is under consideration before the learned trial Court and the proceeding of the case is going on, in which the defendants No.1 and 2 are contesting. During the pendency of the suit, the plaintiffs have filed an application under Section 151 of CPC for permission to sell the paddy crop to the paddy procurement centre with respect to the suit land in which they are in possession and earned the paddy crop under the relevant government circulars. However, the same has been objected by the defendants on the ground that the defendants No.1 and 2 are title and possession holder of the suit land and the sale of paddy to the paddy procurement centre is permitted only to those farmers in whose name, the land was recorded and registered with the Agri Stack online portal of the State Government. Against the statutory rules and circulars, the plaintiffs, who neither the title holder of the suit property nor recorded owner of the same, cannot be permitted to sell their paddy with respect to the suit property to the concerned paddy procurement centre under the scheme of the State Government.

7. From perusal of the order impugned, it transpires that the learned trial Court has considered that the suit land has already been alienated to the defendants No.4 and 5, who have been arrayed as party defendant No.4 and 5 before the learned trial Court in the suit and the suit land is in their ownership. The defendants have filed their reply to the

application filed by the plaintiffs that the plaintiffs are neither the title holder nor the possession holder of the suit land, and therefore, they are not entitled to sell the paddy on their account. The learned trial Court has also observed that under the scheme of State Government, the paddy can only be sold by the farmers in whose name the Agri Stack registration is there in the online portal and in whose name the revenue records are there. Since the plaintiffs neither the recorded owner of the suit land nor having any right or title over the suit property till date, they cannot be permitted to sell their paddy on account of suit land to the State Government under the relevant scheme.

8. Having considered the material available on record and the submissions made by learned counsel for the petitioners, this Court does not find any jurisdictional error, illegality or perversity in the impugned order warranting interference under Article 227 of the Constitution of India. The learned trial Court has duly considered the relevant facts and circumstances, including the status of the plaintiffs in relation to the suit land and the requirements prescribed under the relevant scheme of the State Government for the sale of paddy.

9. Accordingly, the writ petition fails and is hereby **dismissed**.

Sd/-
(Ravindra Kumar Agrawal)
JUDGE

Sumit