CGHC010431002026 2026:CGHC:46415

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 5537 of 2026

1 - Dhirendra Mistri S/o. Late Surendra Mistri Aged About 61 Years Caste Namoshudra R/o. Village Subhashnagar, Bhagwanpur, Tahsil Ambikapur District- Surguja (C.G.)

2 - Savitri Mistri D/o. Late Surendra Mistri Aged About 65 Years Caste Namoshudra R/o. Village Subhashnagar, Bhagwanpur, Tahsil Ambikapur District- Surguja (C.G.)

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Revenue And Disaster Management, Mantralaya, Mahanadi Bhawan, Nava Raipur, District- Raipur (C.G.)

2 - The Commissioner Surguja Division, Ambikapur, District- Surguja (C.G.)

3 - The Collector Ambikapur, District- Surguja (C.G.)

4 - Sub-Divisional Officer (Revenue) Ambikapur, District- Surguja (C.G.)

5 - Tahsildar/naib Tahsildar Ambikapur-02, District- Surguja (C.G.)

6 - Deputy Registrar Ambikapur, District- Surguja (C.G.)

7- Sushil Kumar Agrawal S/o Late Omprakash Agrawal aged about 62 years, R/o Datta Colony, Sector-1, Ambikapur, Tahsil- Ambikapur, District- Surguja (C.G.)

8- Arun Agrawal S/o Late Shyamsundar Agrawal aged about 50 years, R/o Subhashnagar, Ambikapur, Police Station- Gandhinagar, Tahsil- Ambikapur, District- Surguja (C.G.)

.. Respondent(s)

For Petitioner(s)	**:**	Mr. Sanjeev Verma, Advocate
For Respondent(s)	**:**	Mr. Amit Nayak, PL

Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

03.11.2026

1. The petitioners being the recorded joint Bhumiswamis of rehabilitation land bearing Khasra No. 38/2, admeasuring 0.7500 hectare, situated at Village Subhashnagar, Tahsil Ambikapur, District Surguja (C.G.), entered into an agreement to sell 30 decimals (0.120 hectare) of the said land to Respondent Nos. 7 and 8 for a total consideration of Rs. 15,00,000/- due to a pressing medical emergency involving the treatment of the wife of Petitioner No. 1, who is suffering from paralysis and kidney ailment. Accordingly, they submitted an application dated 31.12.2020 before Respondent No. 3 (Collector, Surguja) seeking permission under Section 165(7-b) of the Chhattisgarh Land Revenue Code, 1959. Despite completion of the statutory inquiry, including spot inspection, publication of public notice without any

objection, recording of statements, and favourable recommendations by the Tahsildar on 17.09.2021 and the Sub-Divisional Officer (Revenue) on 01.02.2022, the application remains pending without any final decision by Respondent No. 3. Hence, the petitioners have filed the present petition seeking the following reliefs:

> *“ 10.1 That, this Hon'ble Court may kindly be pleased to issue writ/order/direction directing Respondent No. 3 (The Collector, Arnbikapur, District Surguja) to consider and take a final decision on the Petitioners' pending application for grant of permission to sell rehabilitation land (Revenue Case No. 202101020700152 / B-121/2020-21) in accordance with law, expeditiously within a fixed period, preferably within 15 days;*
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> *10.2 Any other relief, which this Hon'ble Court may deem fit and proper, may also be passed in favour of the petitioner.*

2. Learned counsel appearing on behalf of the petitioners submits that the petitioners have filed an application dated 31.12.2020 seeking permission to sell their land under Section 165(7-b) of the Chhattisgarh Land Revenue Code, 1959, as the land in question was allotted to them under the Rehabilitation Policy and therefore,

prior permission of the Collector, Ambikapur, District Surguja (C.G.) is required for its sale. He further submits that although the aforesaid application was filed on 31.12.2020, the same has not been decided by the Collector, Ambikapur, District Surguja (C.G.) till date.

3. Learned State counsel does not raise any objection to the limited prayer made by learned counsel for the petitioners and submits that the aforesaid application may be decided by the Collector, Ambikapur, District Surguja (C.G.), within a period of 30 days, in accordance with law.

4. Having heard learned counsel for the parties and upon perusal of the material available on record, it appears that the application filed by the petitioners has already been taken up for consideration and the order-sheets have been drawn, pursuant to which certain reports were called for. However, no final decision has been taken on the said application till date. Considering the aforesaid facts and circumstances, particularly the fact that more than five years have elapsed since the filing of the application, Respondent No. 3/Collector, Ambikapur, District Surguja (C.G.), is directed to consider and decide the petitioners' application and take a final decision thereon, in accordance with law, within a period of 30 working days from the date of receipt of a copy of this order.

5. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioners and all issues are left open

to be decided by the competent authority in accordance with law.

6. With the aforesaid observations and directions this writ petition stands **disposed of.**

SD/-

(Amitendra Kishore Prasad)

Judge

AMIT PATEL