



2026:CGHC:21385

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HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 1468 of 2020****1. Pramod Vishwas Vishwas (Died and Deleted)**

1.1 - Chitra Vishwas W/o Late Pramod Vishwas Aged About 55 Years R/o Ravindranagar (Bangalipara) P.S. Jainagar Tehsil Latori District Surajpur Chhattisgarh.

1.2 - Pradeep Vishwas S/o Late Pramod Vishwas Aged About 38 Years R/o Ravindranagar (Bangalipara) P.S. Jainagar Tehsil Latori District Surajpur Chhattisgarh.

1.3 - Ashish Vishwas S/o Late Pramod Vishwas Aged About 33 Years R/o Ravindranagar (Bangalipara) P.S. Jainagar Tehsil Latori District Surajpur Chhattisgarh.

1.4 - Poonam Vishwas D/o Late Pramod Vishwas Aged About 40 Years R/o Ravindranagar (Bangalipara) P.S. Jainagar Tehsil Latori District Surajpur Chhattisgarh.

... Petitioners**versus**

1. State Of Chhattisgarh Through Secretary, Revenue Department Mantralaya, Mahanadi Bhawan Raipur, Chhattisgarh
2. State Of Chhattisgarh Through Secretary, Rehabilitation Department Mantralaya, Mahanadi Bhawan Raipur, Chhattisgarh
3. The Commissioner Surguja Division Ambikapur, Chhattisgarh
4. The Collector Surajpur District Surajpur, Chhattisgarh
5. Shashiman Bala (Died and Deleted)

5.1 - Saraj Balaji W/o Late Shashiman Bala Aged About 60 Years R/o Village Ajirma, P.S. Jainagar Tehsil Latori District Surajpur Chhattisgarh.

5.2 -Satyam Balaji S/o Late Shashiman Bala, Aged About 35 Years R/o Village Ajirma, P.S. Jainagar Tehsil Latori District Surajpur Chhattisgarh.

5.3 - Savita Haldhar W/o Sisar Haldhar Aged About 40 Years R/o Village Ajirma, P.S. Jainagar Tehsil Latori District Surajpur Chhattisgarh.

5.4 -Sarita Balaji D/o Late Shashiman Bala Aged About 38 Years R/o Village Ravindranagar Jainagar Tehsil Latori District Surajpur Chhattisgarh.



5.5 - Sangita Vishwas W/o Dilip Vishwas Aged About 33 Years R/o Village Kalighat Mahavirpur, Ajirma P.S. Jainagar Tehsil Latori District Surajpur Chhattisgarh.

6. Madan Jaiswal S/o Laldhari Jaiswal Aged About 52 Years Caste Kalaar R/o Village Gandhinagar Ambikapur District Surguja, Chhattisgarh
7. Mukesh Pandey S/o Kashinaresh Pandey Aged About 28 Years R/o Village Barkela P.S. Darima Tahsil Ambikapur District Surguja, Chhattisgarh

... Respondents

For Petitioner	:	Mr. Shakti Raj Sinha, Advocate
For Respondents 1 to 4-State	:	Mr. Atanu Ghosh, Govt. Advocate
For Respondents No. 5 to 7	:	Mr. Sanjeev Verma, Advocate

Hon'ble Shri Parth Prateem Sahu, Judge

ORDER ON BOARD

07/05/2026

1. Petitioner has filed this writ petition challenging the illegality and sustainability of the order dated 17.02.2020 passed in Revenue Appeal No. 53/A-21/2019-20, whereby learned Commissioner, Surguja Division, Ambikapur has allowed the appeal filed by original Respondent No. 5 herein.
2. Brief facts of the case necessary for disposal of this petition are that original Respondent No. 5 has moved an application before Respondent No. 4/Collector, Surajpur seeking permission to sell the land bearing Khasra No. 411/1, 434/2 measuring 1.10 hectare and 0.09 hectare respectively. In the proceeding, Collector has registered the application and initiated revenue proceeding and in the revenue proceedings petitioner had submitted an objection to the application submitted by original Respondent No. 5 seeking permission to sell the land on the grounds mentioned therein. The application filed by original Respondent No. 5 came to be rejected observing that the land bearing Khasra No. 434/2 which is also part of application seeking permission to sell was not allotted to applicant therein ie., original Respondent No. 5 and further there is dispute of possession between applicant and the objector therein. Aggrieved with the order passed by the Collector dismissing the application seeking permission to sell the land as mentioned therein, original Respondent No. 5 has preferred an appeal before



the Commissioner, Surguja Division, Ambikapur which came to be allowed by impugned order.

3. Learned counsel for petitioner would submit that the order passed by the Commissioner is to be set aside only on the sole ground of non arraying of petitioner as party respondent therein. He contended that though the application is filed by original Respondent No. 5 before the Collector seeking permission to sell the land, description of which is mentioned therein, arraying two other persons as party non-applicants. However, petitioner had submitted an objection, based upon which Collector has called for the report from the Tahsildar and after hearing the parties, considering the report, has rejected the said application, therefore, petitioner was necessary party before the Commissioner also. He also contended that petitioner was not made party respondent before the Commissioner purposefully and the Commissioner also failed to considered the observation and finding recorded by the Collector to dismissed the application filed by original Respondent No. 5 that the appellant therein was not owner of the land and there is dispute of possession between the objector and the applicant therein. It is contention of leaned counsel for petitioner that the Commissioner has passed an order affecting rights of petitioner, without giving opportunity of hearing to him and therefore it be set aside.
4. Learned State counsel would support the impugned order passed by the Commissioner, Surguja Division Amibapur.
5. Learned counsel for Respondent No. 5/ private respondent, would oppose the submission of learned counsel for petitioner and would submit that in the application submitted by applicant before the Collector, only two non-applicants were arrayed as party and therefore in the appeal also only those two non-applicants have been arrayed as party respondents. There is no error in filing of appeal impleading the parties, who are parties before the Collector. He however does not dispute the submission of learned counsel



for petitioner that the petitioner had submitted an objection, and considering the submission of objector therein, the order has been passed.

6. Considered the submission made by learned counsel for the respective parties.
7. It is not in dispute that the original Respondent No. 5 has submitted an application before the Collector seeking permission to sell the land, descriptions of which are mentioned therein. After publication of proclamation, petitioner appeared and submitted an objection which is clearly reflecting from the order dated 18.10.2019, Annexure P-4, passed by the Collector, wherein petitioner's name is mentioned. He raised an objection on the application filed by original Respondent No. 5 seeking permission to sell of land. On objection of petitioner it is also recorded that the applicant therein has got his/ her name is recorded in the revenue record by illegal means. The Collector has also recorded that applicant therein was not in a possession of the land proposed to sought permission to sell and, there is dispute of possession between applicant and the objector . In the proceedings drawn by the revenue officials ie., Tahsildar, Sub-Divisional as also the Collector, name of objector is clearly mentioned and therefore if the applicant therein is aggrieved with the decision of Collector and thought it appropriate to challenge it before the Commissioner then it was for the appellant before the Commissioner to implead the objector as one of the respondents who was necessary party in the facts of the case in which appellant therein failed.
8. If for any reason, appellant has not impleaded a person as a party respondent who in the facts of the case was a necessary party then it was for the Commissioner also to point out this defect in the appeal, to the appellant therein and in absence of impleadment of necessary party, appeal could not have been heard finally as the petitioner herein, who is objector before the Collector and therefore the order passed by the Commissioner is without giving any opportunity of hearing to the petitioner. In the above facts of the



case, in the opinion of this Court, order of Commissioner is passed in violation of principles of natural justice, and therefore order Annexure P-1 is not sustainable, it is accordingly set aside.

9. Accordingly, writ petition is allowed in part and the matter is remitted back to Respondent No. 3/ Commissioner, Surguja Division, Ambikapur for deciding the matter afresh, directing the appellant therein to implead petitioner/ objector as party respondent, and granting him opportunity of hearing, following due process of law.

Sd/-

(Parth Prateem Sahu)

JUDGE

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