2026:CGHC:15345

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

<u>WPC No. 1696 of 2020</u>

1 - Bisnuram Dugga S/o Shri Manganu Ram Dugga, Aged About 41 Years By Caste - Gond, (Schedule Tribe) R/o, Village - Khargahna, Post - Lamer, Thana And Tahsil - Takhatpur, Civil And Revenue District - Bilaspur Chhattisgarh Permanent Residence Of Village - Kothali, Tahsil - Bhanupratappur, District - North Baster Kanker Chhattisgarh., District : Kanker, Chhattisgarh

... Petitioner

versus

1 - State Of Chhattisgarh, Through The Secretary, Revenue Department, Mantralaya Mahanadi Bhawan, Capital Complex, Atal Nagar New Raipur, District - Raipur Chhattisgarh., District : Raipur, Chhattisgarh

2 - Commissioner, Bilaspur Division Bilaspur District - Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

3 - Collector Bilaspur, District - Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

4 - Pramod Kumar Garg S/o Shri Dayashanker Garg, Aged About 50 Years R/o Ayodhya Nagar Totabadi, Ring Road No. 2 Bilaspur, Tahsil And District - Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

... Respondent(s)

(Caust-title is taken from Case Information System)

For Petitioner	:	Mr. Rajendra Patel, Advocate holding brief on behalf of Mr. Sunil Sahu, Advocate
For State	:	Mr. D. R. Minj, Dy. Advocate General
For Resp. No. 4	:	Mr. Rakesh Kumar Manikpuri, Advocate

(Hon'ble Shri Amitendra Kishore Prasad, Judge)

Order on Board

02/04/2026

1. The petitioner has filed this writ petition seeking following reliefs:

> *"10.1 That, this Hon'ble Court may kindly be pleased to issue appropriate writ by quashing the impugned order dated 16.01.2020 (Annexure P-1) passed by the Board of Revenue Bilaspur.*
>
> *10.2 That this Hon'ble court may kindly be call for the entire records which relates to passing of the impugned order for kind perusal of this Hon'ble court.*
>
> *10.3 That this Honble court may kindly be please to direct the respondent No. 3 to reconsider the case of the petitioner in light of Pretivedan of revenue officers as well as statement.*
>
> *10.4 Any other relief, which may be suitable in the facts and circumstances of the case, may also be granted"*

2. Facts of the case, in brief, are that the petitioner is a permanent resident of Bhaupratappur area. During the year 2010–2011, he shifted to Village Khargahna, Tahsil Takhatpur, where, in the year 2013–2014, he purchased agricultural land belonging to certain community members. The total land comprised seven khasra numbers admeasuring 6.56 acres. Thereafter, the petitioner commenced agricultural activities on the said land. It is further stated that the petitioner's father is an aged person and the

responsibility of maintaining his unmarried sister also rests upon him. Owing to these circumstances, the petitioner decided to sell the agricultural land situated at Village Khargahna and relocate to his parental village, where agricultural land measuring approximately 8 acres stands recorded in the name of his father. In furtherance of this decision, the petitioner entered into an agreement to sell the land at Village Khargahna with Respondent No. 4 and received an advance consideration of Rs. 7,00,000/- through cheque dated 17.06.2016. It was agreed between the parties that the sale deed would be executed upon obtaining requisite permission from the District Collector, as mandated under the provisions of the Chhattisgarh Land Revenue Code, 1959. Pursuant thereto, the petitioner submitted an application under Section 165(6) of the Chhattisgarh Land Revenue Code, 1959 on 17.06.2016 itself, seeking permission to sell the said lands, comprising Khasra Nos. 1042 (3.15 acres), 1043/01 (0.47 acre), 1043/02 (0.47 acre), 1043/03 (0.47 acre), 1043/04 (0.47 acre), 1043/05 (0.46 acre), and 958/4 (1.07 acre). The petitioner also submitted reminder letters dated 06.07.2017 and 17.08.2017 requesting expeditious grant of permission. Upon receipt of the application, the learned Collector sought reports from the concerned revenue authorities. The Patwari, Tahsildar, and Sub-Divisional Officer (Revenue) submitted reports recommending grant of permission in favour of the petitioner. The reports indicated that the proposed transaction value was higher than the guideline rate and that the petitioner is an income tax assessee with an annual income exceeding Rs. 3,00,000/-. It was also noted that nine family members are dependent upon the petitioner and that his intention to return to his parental village constituted a genuine reason for sale of the land. Thereafter, the Collector fixed the matter for recording evidence. On 20.03.2017, the statements of the petitioner and his witnesses were recorded. Subsequently, the matter was listed for hearing on 27.07.2017, on which date a report from the District Registrar was also called for. After hearing the parties, the learned Collector rejected the petitioner's application for permission by order dated 15.01.2018. The rejection was primarily on the grounds that there existed discrepancies in the address mentioned in the sale deed and the income tax returns of the petitioner, and further that, upon sale of the said land, the petitioner would be left with no agricultural land in Village Khargahna. Aggrieved by the said order, the petitioner preferred a revision petition before the Board of Revenue, contending that the rejection adversely affected his rights, particularly in light of the agreement to sell already executed and the advance consideration received. The petitioner further emphasized his familial responsibilities, including the maintenance of his aged parents and unmarried daughters, and his intention to relocate to his parental village in District Kanker, where sufficient agricultural land is available in his father's name. However, the revision petition was dismissed, and the order of the Collector was affirmed by order dated 16.01.2020. Being aggrieved by the aforesaid orders, the petitioner has filed the present petition.

3. Learned counsel for the petitioner submits that the impugned orders passed by the authorities are wholly unsustainable in law, as they have been rendered without due consideration of the statutory provisions, particularly Section 165(6-C) of the Chhattisgarh Land Revenue Code, 1959. It is contended that neither the learned Collector nor the revisional authority has assigned any cogent reasons as to why permission to sell the land could not be granted to the petitioner, thereby vitiating the orders on account of non-application of mind. It is further submitted that the impugned orders are contrary to the material available on record. The learned counsel emphasizes that all the revenue authorities, including the Patwari, Tahsildar, and Sub-Divisional Officer (Revenue), had submitted favourable reports recommending grant of permission for sale of the land. However, the learned Collector has rejected the petitioner's application without duly considering or discussing the said reports, and the revisional authority has mechanically affirmed the same, rendering the findings perverse. Learned counsel also contends that the authorities below have failed to consider the petitioner's case on merits and have instead rejected the application on hyper-

technical grounds, such as discrepancies in the address mentioned in the sale deed and income tax records. It is argued that such discrepancies are inconsequential, particularly in view of the fact that the petitioner was residing in a rented accommodation, and such addresses are liable to change. It is further argued that the bona fide necessity of the petitioner has not been considered at all. The petitioner had specifically stated that he requires funds for construction of a house, development of his ancestral agricultural land, and for solemnization of the marriages of his unmarried sisters. Despite these being genuine and pressing needs, the authorities have failed to examine or record any findings on these aspects while deciding the application. Learned counsel submits that the petitioner had duly deposed on oath before the Collector regarding his bona fide requirements; however, the same has been completely ignored. Additionally, the report of the Nayab Tahsildar clearly establishes that the proposed sale would not adversely affect the social status of the petitioner, yet this relevant consideration has not been taken into account. It is also contended that the petitioner had placed on record documents pertaining to his ancestral agricultural land situated at Village Katholi, Tahsil Bhanupratappur, District Kanker, which demonstrate that he would not be rendered landless upon sale of the subject land. However, the authorities have failed to consider these material documents. Learned counsel further submits that the petitioner is the sole son of his aged father and bears the responsibility of maintaining his family, including his four unmarried sisters. The financial burden of arranging their marriages rests entirely upon him. It is argued that grant of permission would not cause any prejudice to the petitioner or his family; rather, refusal of permission is causing undue hardship. It is also submitted that the petitioner has already received an advance amount pursuant to the agreement to sell and has expended the same towards development of agricultural land. In such circumstances, it is not feasible for the petitioner to cancel the agreement and refund the amount to Respondent No. 4. Learned counsel further contends that no member of the tribal community was willing to purchase the land at the Government guideline rate, compelling the petitioner to enter into an agreement with Respondent No. 4, who remains ready and willing to complete the transaction. Lastly, it is submitted that the petitioner continues to be in possession of the land, and denial of permission would result in irreparable loss and hardship, including his inability to properly maintain his aged parents residing in District Kanker.

4. Learned counsel for the respective respondents, per contra, supports the impugned orders and submit that the same have been passed in accordance with law after due consideration of the material available on record. It is contended that the competent

authority has exercised its discretion judiciously while rejecting the petitioner's application for grant of permission to sell the land. It is further submitted that the petitioner has failed to establish any illegality, perversity, or jurisdictional error in the impugned orders warranting interference by this Court. The grounds raised by the petitioner pertain to disputed questions of fact, which have already been duly examined by the authorities below. Learned counsel also submits that the reasons assigned by the Collector, including discrepancies in the petitioner's records and the consequences of the proposed sale, are valid and justified. The revisional authority has rightly affirmed the findings of the Collector, and therefore, no interference is called for in the present petition. Accordingly, the petition deserves to be dismissed.

5. I have heard learned counsel for the respective parties at length and have perused the pleadings as well as the documents placed on record.

6. The core issue that arises for consideration in the present petition is whether the rejection of the petitioner's application seeking permission to sell the agricultural land under the provisions of the Chhattisgarh Land Revenue Code, 1959 is sustainable in law.

7. From perusal of the record, it is evident that the petitioner had applied for grant of permission under Section 165(6) of the Code, 1959 and, pursuant thereto, the competent authority had called for reports from the concerned revenue officials. The Patwari,

Tahsildar and Sub-Divisional Officer (Revenue) have all submitted reports in favour of the petitioner recommending grant of permission. The said reports also indicate that the proposed transaction is above the guideline rate and that the reasons assigned by the petitioner for sale of the land are genuine in nature. However, despite the aforesaid favourable material being available on record, the Collector rejected the application primarily on technical grounds, namely, discrepancy in the address mentioned in different documents and on the assumption that upon sale of the land, the petitioner would be rendered landless. The said findings have been mechanically affirmed by the revisional authority as well as the Board of Revenue, without proper consideration of the material on record.

8. During the course of arguments before this Court, it was revealed that the petitioner is possessed of another parcel of agricultural land in a different village. In this regard, learned counsel for the petitioner sought time to place relevant documents on record and, accordingly, filed the same vide covering memo dated 23.03.2026. The documents so filed comprise revenue records pertaining to land situated at Village Kotholi, RNM Korar, Tahsil–Bhanupratappur, District–Kanker (C.G.). Upon perusal of the said documents, it clearly emerges that the petitioner is the holder of agricultural land in the aforesaid village. Thus, the very basis on which the petitioner's application came to be rejected, namely that

he would be rendered landless, stands factually incorrect and unsustainable.

9. In view of the aforesaid development, this Court is of the considered opinion that the impugned orders suffer from non-consideration of relevant material and are founded on an erroneous assumption of fact. The authorities below have failed to take into account the material aspects of the case and have not exercised their jurisdiction in a proper and judicious manner. In light of the above, and considering that the petitioner is possessed of alternative agricultural land, though in a different village, he cannot be held to be landless. Consequently, the reasons assigned by the Collector for rejection of the application lose their substratum.

10. Accordingly, the orders passed by the Collector, the revisional authority and the Board of Revenue are held to be unjustified and are hereby quashed. As a result, the relief sought by the petitioner for grant of permission to sell the subject land is allowed.

11. The writ petition stands **allowed** in the aforesaid terms.

No order as to costs.

Sd/-

(**Amitendra Kishore Prasad**)
JUDGE

Shayna