

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WPC No. 3437 of 2024

1. Sanmogar Waniyar S/o Shri Govind Raj Aged About 54 Years
Caste- Kshatriya, R/o - Shrigarh, Ambikapur, District- Surguja, C.G.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Ministry Of Revenue / Town And Country Planning
Secretariat Mahanadi Bhawan, Naya Raipur, District Raipur, C.G.
2. The Collector Ambikapur, District- Surguja, C.G.
3. Sub Divisional Officer (Revenue) Ambikapur, District- Surguja, C.G.
4. Nazul Officer Ambikapur, District- Surguja, C.G.
5. Bansu S/o Bhatkul R/o Village- Fundurdihari / Parsa, Tahsil- Ambikapur, District-
Surguja, C.G.
6. Satish Sharma S/o Radheshyam Sharma R/o- Agrasen Ward, Daroga Kuan,
Ambikapur, District- Surguja, C.G.
7. Abhishek Nagdev S/o Mahesh Nagdev R/o Joda Peepal, Maharaja Gali, Ambikapur,
District- Surguja, C.G.
8. Shekhar Agrawal S/o Satish R/o Ward No. - 23, Ghutrapara, Ambikapur, District-
Surguja, C.G.
9. Surendra Kumar Agrawal S/o Late Jai Prasad Agrawal R/o - Old Bus Stand,
Ambikapur, District- Surguja, C.G.
10. Anusha Nagdev W/o Mahesh Nagdev R/o - Joda Peepal, Maharaja Gali,
Ambikapur, District- Surguja, C.G.
11. Mahesh Kumar Kediya S/o Santosh Kumar Kediya R/o Near Maruti Show Room,
Ambikapur, District- Surguja, C.G.
12. Dinesh Kumar S/o Shriniwas Kediya R/o - Kundala City, Ambikapur, Tahsil-
Ambikapur, District- Surguja, C.G.
13. Kailash Mishra S/o Late Chandrashekhar Mishra R/o Godhanpur, Ambikapur,
Tahsil- Ambikapur, District- Surguja, C.G.

---- Respondents

10.07.2024	Mr. S.D. Singh, Advocate for the Petitioner. Mr. K.P. Gupta, Government Advocate for the Respondents No. 1

to 4 /State.

Heard on admission.

Issue notice to respondents.

Mr. K.P. Gupta, Government Advocate accepts notice on behalf of the Respondents No. 1 to 4/State. Hence, no process fee is required to be paid for issuance of notice to this Respondent.

Issue notice to Respondents No. 5 to 13 on payment of process fee, as per per rules. Notice be made returnable within 03 weeks.

Also heard on I.A. No. 01/2024 which is an application for grant of interim relief.

Learned counsel for the petitioner submits that the Respondent No. 2/Collector based on same enquiry report has himself registered the case and ordered the transfer of all the land to be *void ab initio* and also directed for correction in the revenue records accordingly. The Collector is an authority who is to grant permission if a land is to be transferred by a tribal person to a non-tribal person and if there is any violation of the aforementioned provision in transfer of the land of the ab-original tribe to the non-tribal person, then it is the Sub-Divisional Officer (R) who is the competent authority to register the case and to decide the same in accordance with the provisions as prescribed therein and therefore, the order passed by the Respondent No. 2/Collector himself based on some enquiry report is *per se* bad in law.

Taking into consideration the submission of the learned counsel for the parties, facts and circumstances of the case, purely as an interim measure I.A. No. 01/2024 is allowed. It is directed that the effect and operation of the order dated 24.03.2024 (Annexure P/1) shall remain stayed till the next date of hearing.

List this case in the week commencing 20.08.2024.

Sd/-
(Parth Prateem Sahu)
Judge