



2026:CGHC:18658

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HIGH COURT OF CHHATTISGARH AT BILASPUR

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(s)

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 Shrinivas 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

(Cause-title taken from the Case Information System)

For Petitioner :- Mr. S.D. Singh, Advocate

For State :- Mr. Soumitra Kesharwani, P.L.

SB- Hon'ble Shri Justice Amitendra Kishore Prasad

Order On Board

23.04.2026

1. By way of this petition, the petitioner has called in question the legality and validity of the order dated 28.03.2024 passed by Respondent No. 2/Collector, Surguja in Revenue Revision Case No. 04/A-06/2023-2024, whereby, in exercise of purported powers under Section 50 of the Chhattisgarh Land Revenue Code, 1959, the Collector has declared the registered sale deeds executed in

favour of the petitioner and other purchasers as null and void and directed correction of revenue records.

2. The case of the petitioner, in brief, is that he is a bona fide purchaser of land bearing Plot No. 243/41 admeasuring 40 decimals situated at Village Namnakala, Ambikapur, having purchased the same through a registered sale deed dated 17.08.2023 for valuable consideration. It is contended that the said sale deed has been annulled by the Collector vide the impugned order on the premise that the original allotment/lease in favour of Respondent No. 5 was not in accordance with law. The Collector further directed that all subsequent transactions be treated as void and revenue records be corrected accordingly.

3. Following reliefs have been prayed by way of this petition:-

“10.1 A writ and an order like a writ mandamus do issue calling for the records of the case about the petitioner case from the respondent conference if this Hon'ble Court deems fit.

10.2 A writ and/or an order like writ certiorari do issue questions the order dated 28.03.2024 (Annexure-P/1) issued by respondent 2 begin illegal, arbitrary and passed in the usurpation of the jurisdiction not vested in respondent no 2 and also in violation of petitioners fundamental, constitutional, and other rights in the facts and circumstances of the case.

10.3 Any other relief which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case to the petitioner.”

4. Learned counsel for the petitioner submits that the Collector has acted wholly without jurisdiction in declaring the registered sale deeds as null and void, inasmuch as such power is exclusively vested in the competent Civil Court under Section 31 of the Specific Relief Act. It is further submitted that the impugned order has been passed in violation of the principles of natural justice. Learned counsel contends that the petitioner is a bona fide purchaser for valuable consideration and, therefore, his vested rights cannot be divested in such an arbitrary manner. It is further submitted that Respondent No. 5, namely Bansu S/o Bhatkul, had allegedly obtained the lease (patta) in contravention of the prescribed legal procedure and subsequently got his name mutated in the revenue records before the Nazul Officer, Ambikapur. It is contended that once the very grant of patta in favour of Respondent No. 5 is not in accordance with law, the subsequent sale transactions executed by him in favour of various purchasers have been treated as void ab initio by the Collector, purportedly in exercise of powers under Section 165(10) of the Chhattisgarh Land Revenue Code, 1959, and directions have been issued to correct the revenue records accordingly. It is urged that such declaration of registered sale deeds as null and void,

along with consequential directions, clearly falls beyond the jurisdiction of the Collector and is liable to be set aside.

5. Learned State counsel, on the other hand, fairly submits that insofar as the declaration of registered sale deeds as null and void is concerned, such power is not vested with the Collector; however, the authorities may be permitted to proceed in accordance with law.
6. I have heard learned counsel for the parties and perused the material available on record.
7. It is not in dispute that the impugned order has been passed by the Collector in exercise of powers under the Chhattisgarh Land Revenue Code, 1959. However, the core issue which arises for consideration is whether the Collector possesses the jurisdiction to declare a registered sale deed as null and void. It is well settled that the validity, annulment, or cancellation of a registered sale deed can only be adjudicated upon by a competent Civil Court. Revenue authorities, while exercising powers under the Land Revenue Code, do not have the jurisdiction to annul such instruments.
8. In this regard, the Hon'ble Supreme Court in the case of ***Asset Reconstruction Company (India) Limited vs. S.P. Velayutham and others (2022) 8 SCC 210*** has categorically held that questions relating to validity of registered documents and

declaration of title fall within the exclusive domain of Civil Courts.

The relevant paras are quoted hereinunder:-

“54. In cases where a suit for title is filed, with or without the relief of declaration that the registered document is null and void, what gets challenged, is a combination of all the aforesaid three steps in the process of execution and registration. The first of the aforesaid three steps may be challenged in a suit for declaration that the registered document is null and void, either on the ground that the executant did not have a valid title to pass on or on the ground that what was found in the document was not the signature of the executant or on the ground that the signature of the executant was obtained by fraud, coercion, etc. The second step of presentation of the document and admitting the execution of the same, may also be challenged on the very same grounds hereinabove stated. Such objections to the first and second of the aforesaid three steps are substantial and they strike at the very root of creation of the document. A challenge to the very execution of a document, is a challenge to its very DNA and any defect or illegality on the execution, is congenital in nature. Therefore, such a challenge, by its very nature, has to be made only before the civil court and certainly not before the writ court.

57. In suits for declaration of title and/or suits for declaration that a registered document is null and void, all the aforesaid three steps which comprise the entire process of execution and registration come under challenge. If a party questions the very execution of a document or the right and title of a person to execute a document and present it for registration, his remedy will only be to go to the civil court. But where a party questions only the failure of the registering authority to perform his statutory duties in the course of the third step, it cannot be said that the jurisdiction of the High Court under Article 226 stands completely ousted. This is for the reason that the writ jurisdiction of the High Court is to ensure that statutory authorities perform their duties within the bounds of law.”

9. In the present case, the Collector, while exercising suo motu powers, has proceeded to declare multiple registered sale deeds as void ab initio and has further issued consequential directions for correction of revenue records. Such an exercise clearly falls outside the scope of his statutory jurisdiction and is impermissible in law. Thus, the impugned order, to the extent it declares the sale deeds as null and void, is without jurisdiction and, therefore, unsustainable in the eyes of law.

10. In view of the aforesaid, this Court is of the considered opinion that the Collector has exceeded his jurisdiction in passing the impugned order. Accordingly, the writ petition is **allowed**. The

impugned order dated 28.03.2024 passed by the Collector, Surguja is hereby quashed and set aside.

11. However, it is made clear that the respondents/authorities shall be at liberty to take appropriate action in accordance with law, including seeking appropriate remedies before the competent forum.

12. No order as to costs.

Sd/-

**(Amitendra Kishore Prasad)
Judge**

Vishakha