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HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WPC No. 3787 of 2024

- Gopal Gandhi S/o Shri Satyanarayan Gandhi Aged About 50 Years R/o Ward No. 14, Nayakbandha Road, Post- Abhanpur, District Raipur, Chhattisgarh

---- Petitioner

Versus

- State of Chhattisgarh Through Secretary, Department of Land and Revenue, Mantralay, Mahanadi Bhavan, Atal Nagar, Nava Raipur, District Raipur, Chhattisgarh
- Special Secretary Department of Housing and Environment, Mantralay, Mahanadi Bhavan, Atal Nagar, Nava Raipur, District Raipur, Chhattisgarh
- The Collector Raipur District Raipur, Chhattisgarh
- Registrar Registrar Office Raipur, District Raipur, Chhattisgarh
- Deputy Registrar Registrar Office, District Raipur, Chhattisgarh
- Sub Divisional Officer (Revenue) Abhanpur, District Raipur, Chhattisgarh
- Town and Country Planning Department Through Joint Director, Town and Country Planning, District- Raipur, Chhattisgarh
- Upper Collector Collectorate Raipur, Raipur, District Raipur, Chhattisgarh.

---- Respondents

29.07.2024	Mr. H. B. Agrawal, Sr. Advocate assisted by Smt. A. Sandhya Rao, Advocate for petitioner. Mr. Keshav Prasad Gupta, Govt. Advocate for the State. Mr. Keshav Gupta, learned State counsel accepts notice on behalf of respondents. Also heard on I.A. No. 01/2024, application for grant of interim relief.



	On a query being put specifically to the State counsel as to under what provision of law the Upper Collector had issued Annexure P/1, the State counsel was not in a position to explain as to what is that provision of law under which the Upper Collector was authorized to pass such an order restricting the sale of property of a particular area. The State counsel however submits that on an inspection by the Revenue Authorities it has been informed that the petitioner herein intends to sell his property to a Colonizer who further intends to develop this area as a Colony, however, no proper sanction, approval and steps as is required to develop a Colony has been initiated by the petitioner or for that matter any Colonizer and it was in this context that the impugned memo has been passed as a precautionary steps. The counsel for the petitioner however denies the apprehension of the respondents and submits that the petitioner in his individual capacity does not intend to sell his property with an intention of it being developed as a Colony. However, the petitioner wants to dispose off his property for his personal use. Given the said facts and circumstances of the case where the impugned memo <i>prima facie</i> lacks authority so far as the Upper Collector passing such an order, there shall be a stay on the effect and operation of the impugned order Annexure P-1 till the next date of hearing.
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Let reply be filed within six weeks and the matter be listed for hearing along with WPC No.5435 of 2022 and other connected matters after eight weeks.

C.C. as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

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