

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPC No. 3952 of 2023**

Welplan Builders Pvt. Ltd. Through Its Director Mr. Basant Katariya S/o Late Champalal Katariya Aged About 67 Years, R/o- 9/11 Rishabh Nagar, Near Mahaveer Colony, Tehsil And District- Durg (C.G.)

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh The Secretary, Land And Revenue Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District : Raipur, Chhattisgarh
2. Collector Durg, District : Raipur, Chhattisgarh
3. The Sub Divisional Officer (Revenue) Durg, District : Durg, Chhattisgarh
4. District Registrar, Durg, District - Durg, Chhattisgarh.
5. Deputy Registrar, Durg, District - Durg, Chhattisgarh.

**---- Respondents**

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| 05/09/2023 | <p>Mr. Ashutosh Mishra, counsel for the petitioner.</p> <p>Mr. Ghanshyam Patel, Govt. Advocate for the State/respondents.</p> <p>Heard.</p> <p>Petition is admitted for hearing.</p> <p>Issue notice to respondents.</p> <p>Mr. Ghanshyam Patel, Govt. Advocate accepts notice on behalf of respondents. Hence, PF is not required to be paid for issuance of notice to respondents.</p> <p>On a query being put to the State counsel as to under what provision of law, respondent No.2/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 Collector was authorized to pass such an order</p> |



restricting the sell of property of a particular area. Thus, prima facie, a strong case for grant of interim relief has been made out.

The State counsel, however, submits that on an inspection by the Revenue Authorities, it has been informed that the petitioner herein intend 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 order 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 want to dispose off his respective property for his personal use and for which the impugned order should not come in the way.

Given the said facts and circumstances of the case where the impugned order prima facie lacks authority so far as the Collector passing such an order, there shall be a stay of the effect and operation of the impugned order dated 29.03.2023 till the next date of hearing.

Let reply be filed within six weeks and the matters be listed for hearing along with WPC No. 5435 of 2022 and other connected matters.

Certified Copy as per rules.

Sd/-  
(Parth Prateem Sahu)  
Judge