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2026:CGHC:40240

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Order reserved on 18-08-2026

Order passed on 15-09-2026

WP227 No. 560 of 2015

1 - Sanjeev Sharma S/o. Shivraj Sharma, Aged About 51 Years, Deputy General Manager, M/s. Bhaskarpara Coal Company Limited, Crystal Tower, First Floor G.E.Road Telibandha, Raipur, Civil and Revenue District Raipur Chhattisgarh, Chhattisgarh

2 - Jatin Bhavsar S/o. Devendra Kumar, Aged About 35 Years, R/o. Anand Nagar, Manendragarh Road, Police Station and Post Ambikapur, Civil and Revenue District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

... Petitioners

versus

1 - Gaya Prasad S/o. Vishvanath, R/o. Village Baijnathpur (Sahanpur), Tahsil Batauli, Civil and Revenue District Surguja Chhattisgarh, Chhattisgarh

2 - Balgovind S/o. Shri Sobhnath, R/o. Village Baijnathpur (Sahanpur), Tahsil Batauli, Civil and Revenue District Surguja Chhattisgarh, District : Surguja Chhattisgarh

3 - Satyanarayan S/o. Shri Sobhnath, R/o. Village Baijnathpur (Sahanpur), Tahsil Batauli, Civil and Revenue District Surguja Chhattisgarh, District : Surguja Chhattisgarh

4 - Jagdish S/o. Late Rampati R/o. Sahanpur, Tahsil Sitapur, Civil and Revenue District Surguja Chhattisgarh, District : Surguja Chhattisgarh

5 - Nandlal S/o. Late Rampati R/o. Sahanpur, Tahsil Sitapur, Civil and Revenue District Surguja Chhattisgarh, District : Surguja Chhattisgarh

6 - Bechau S/o Rambaras R/o. Sahanpur, Tahsil Seetapur, Civil and Revenue District Surguja Chhattisgarh, District : Surguja Chhattisgarh

7 - Roopnarayan S/o. Gangaram R/o. Sahanpur, Tahsil Seetapur, Civil and Revenue District Surguja Chhattisgarh, District : Surguja Chhattisgarh

8 - Collector, Surguja, Ambikapur Chhattisgarh, District : Surguja Chhattisgarh

9 - Tahsildar, Batauli, District Surguja Chhattisgarh, District : Surguja Chhattisgarh

... Respondents

(Cause title taken from Case Information System)

For Petitioners : Mr. Manoj Paranjpe, Senior Advocate with Ms. Shivangi Agrawal, Advocate.

For Respondents No.1 to 3 : Ms. Seema Verma, Advocate on behalf of Ms. Uttara Shrivastava, Advocate.

For State/Respondents: Mr. Avinash Singh, Govt. Advocate.
No.8 and 9

Hon'ble Shri Justice Ravindra Kumar Agrawal, J.

C A V Order

1. The present writ petition has been preferred by the petitioners questioning the legality, validity and propriety of the order dated 12.03.2015 (Annexure P-1) passed by the Board of Revenue, Chhattisgarh, Bilaspur in Revision Case No. RN/R/16/A-6/505/2012, whereby the revision preferred by the petitioners against the order dated 26.11.2012 passed by the Collector, Surguja, Place Ambikapur, has been dismissed.

2. The case of the petitioners, in substance, is that M/s. Bhaskarpara Coal Company Limited, a joint venture of M/s. Electrotherm (I) Limited and M/s. UltraTech Cement Limited, was established for excavation of coal from the Bhaskarpara Coal Block situated in Bhaiyathan Tehsil, District Surguja, which was allocated by the Ministry of Coal vide allocation letter dated 21.11.2008. Since approximately 515 hectares of the allotted coal block comprised forest land, the petitioners were required, for diversion of such forest land, to provide equivalent land for compensatory afforestation and accordingly purchased agricultural/revenue lands from Gaya Prasad, Balgovind and Satyanarayan. Pursuant thereto, two registered sale-deeds were executed on 16.09.2010 through their power of attorney holder, Vijayshankar Soni. Under the first sale-deed, land bearing Khasra Nos. 127 (0.559 Hect.), 129 (1.052 Hect.), 133 (0.773 Hect.), 141 (1.044 Hect.) and 144 (0.802 Hect.), total 5.934 hectares, was conveyed to the petitioners, whereas under the second sale-deed, land bearing Khasra Nos. 77, 83, 85, 88, 90, 92, 93, 94, 95, 99, 100, 102, 103, 104, 105, 106, 109, 110, 111, 112, 113, 114, 115, 116, 117, 119, 120, 122, 132, 145 and 146, admeasuring in all 30.936 hectares, situated at Village Baijnathpur (Sahanpur), Batauli, District Surguja, was purchased. Subsequently, upon receipt of a show-cause notice and on the petitioners coming to know that certain portions of the purchased land were allegedly forest land, a correction deed dated 25.08.2012 was executed in respect of Khasra Nos. 93, 109, 119 and 145, admeasuring 10.04 hectares, whereby the said land was surrendered and deleted from the sale transaction. Thus, out of the total 36.87 hectares involved in the proceedings initiated by the Collector, the actual dispute remained confined to 15.512 hectares, out of which 10.04 hectares had already been surrendered, leaving a dispute concerning only 5.472 hectares.
3. With regard to the remaining 5.472 hectares of land, the petitioners' specific case is that Khasra Nos. 114, 141 and 144, admeasuring 1.919 hectares,

were wrongly treated as Jhadi Jangal/Manwar Gautiya land. Khasra No.114, admeasuring 0.073 hectare, was recorded in the revenue records of 1958 in the name of Sunder, son of Bhadar, and thereafter devolved upon his surviving legal heirs. As regards Khasra Nos. 141 and 144, admeasuring 1.846 hectares, though alleged to be Government/Manwar Gautiya land, the said land was recorded in the Wazib-ul-arz of the Surguja State Settlement, 1939, and was subsequently settled in favour of Manwar Gautiya and thereafter recorded in the names of Gaya, son of Vishwanath, and Sobhnath, son of Bhadar. The revenue records of 1958, particularly Entry No. 8, Khata No. 19, recorded the said persons on the basis of Bakshishnama and recognized their possession. Such decades-old revenue entries could not have been disturbed by exercise of suo motu revisional jurisdiction after more than five decades. The petitioner's further case is that Khasra Nos. 141 and 144 were neither Nazul land nor lease land allotted by the Government and, therefore, no permission of the Collector was required for their transfer; alternatively, by virtue of Section 158 of the Chhattisgarh Land Revenue Code, 1959, the persons continuously possessing the land recorded in Wazib-ul-arz and continuing in possession after commencement of the Code had acquired the status of Bhumiswami. In respect of the remaining Khasra Nos. 120 (1.979 Hect.), 122 (0.247 Hect.) and 132 (1.327 Hect.), total 3.553 hectares, which were alleged to be Pahadi Korwa land, the petitioners rely upon mutation record No. 14 dated 24.05.1967, contending that although the land was originally recorded in the names of Durjan Korwa and Preetam Korwa, Durjan Korwa had been absconding since 1940 and, after his presumed civil death, the land was recorded in the name of Sobhnath, who was in possession and paying land revenue/jamabandi, and thereafter, following his death, in the name of Satyanarayan. These material revenue records of 1958 and 1967 were ignored by the authorities.

4. The petitioners further pleaded that pursuant to the registered sale-deeds, possession of the disputed lands was delivered to the petitioners and their name was duly mutated in the revenue records on 15.11.2010, where it continued to be recorded as owner; the registered sale-deeds themselves had never been annulled or set aside by any competent civil court and remained subsisting. On certain complaints regarding the two sale-deeds, the Tahsildar, Batauli, conducted an enquiry and submitted a report dated 12.07.2012 to the Collector, Surguja, without issuing notice to or affording any opportunity of hearing to the petitioners and without supplying a copy of the enquiry report. On the basis thereof, the Collector, Surguja, initiated suo motu revisional proceedings and issued a show-cause notice to the petitioners. The petitioners submitted a detailed reply along with the relevant revenue records and documents, specifically raising the objection that revisional jurisdiction could not be exercised after an inordinate lapse of several decades. However, by order dated 26.11.2012, the Collector nullified the effect of the registered sale-deeds without properly considering the old revenue records, the petitioners' reply, or the limitation/laches attached to the exercise of suo motu revisional powers, and further acted beyond his jurisdiction by effectively declaring registered sale-deeds void.
5. Aggrieved thereby, the petitioners preferred a revision before the Board of Revenue, raising all factual and legal grounds and producing the relevant documents. The Board of Revenue, vide order dated 12.03.2015, dismissed the revision and affirmed the Collector's order dated 26.11.2012. The present petition consequently assails both the orders of the Collector and the Board of Revenue as being illegal, erroneous, contrary to the revenue records and passed in excess of jurisdiction, particularly on the grounds of impermissible exercise of suo motu revisional power after an extraordinary delay and the alleged absence of jurisdiction in the revenue authorities to annul or declare void the registered sale-deeds.

6. The Respondent Nos. 8 and 9/State authorities submitted their return and denied the claim of the petitioners. In return, it would submit that the impugned orders passed by the Collector and affirmed by the Board of Revenue do not suffer from any jurisdictional error or violation of the principles of natural justice. The proceedings were initiated on the basis of the enquiry conducted by the Tahsildar, Batauli, in respect of the disputed transactions and the revenue status of the lands in question. The petitioners were thereafter issued a show-cause notice by the Collector and were afforded full opportunity to submit their explanation and produce relevant documents. The petitioner duly submitted its reply and participated in the proceedings; therefore, the contention that the order was passed behind the back of the petitioners or without affording an opportunity of hearing is misconceived. The mere fact that the Tahsildar's preliminary enquiry report was not separately furnished to the petitioners does not vitiate the proceedings, particularly when the petitioners were given an opportunity to contest the allegations and place all relevant revenue records before the competent authority.
7. It is further the stand of the State that the Collector, upon examination of the revenue records and the material available on record, rightly found irregularities concerning the nature and status of the lands covered by the registered sale-deeds, including the lands alleged to be forest/Jhadi Jangal, Manwar Gautiya and Pahadi Korwa/tribal lands. The execution of a registered sale-deed or subsequent mutation in favour of the petitioners, does not confer an indefeasible title if the transfer itself was contrary to the revenue law or involved Government, forest or restricted tribal land. The petitioners cannot derive any advantage merely from the passage of time or from the mutation entries, particularly when the legality of the subject transactions was subsequently brought to the notice of the revenue authorities. It is also submitted that the correction deed relating to 10.04

hectares of land does not conclude the entire controversy, as the remaining 5.472 hectares of land continued to be disputed. The Collector, therefore, was justified in examining the legality of the transactions in exercise of his revisional powers, and the Board of Revenue, after considering the grounds raised by the petitioners, rightly affirmed the findings of the Collector. Consequently, the State supports the impugned orders and submits that the writ petition, being devoid of merit, is liable to be dismissed.

8. After hearing the parties, the Collector, upon consideration of the enquiry report submitted by the Tahsildar, the relevant revenue records and the proceedings in the connected mutation case, recorded a finding that the lands covered by the two registered sale-deeds dated 16.09.2010 comprised different categories of land which were not legally transferable in the manner adopted by the vendors. In particular, Khasra Nos. 93, 109, 119 and 145, admeasuring 10.04 hectares, were recorded as Government land under the "Chhote Jhad Ka Jungle" category, and had never been recorded in the Bhumiswami or leasehold rights of the vendors. Khasra Nos. 114, 141 and 144 were found to have been recorded as Jhadi Jangal/Gautiya land and, according to the Collector, being land originally obtained from the Government, its transfer required prior permission under Section 165(7-b) of the Chhattisgarh Land Revenue Code, 1959, which admittedly had not been obtained. Likewise, Khasra Nos. 120, 122 and 132, admeasuring 3.553 hectares, were found in the settlement and rights records to have originally stood in the names of persons belonging to the Pahadi Korwa Scheduled Tribe. The Collector held that the subsequent mutation of the said lands in favour of the vendors on the basis of possession did not constitute a lawful transfer from the Scheduled Tribe within the meaning of Section 165(6) of the Code, 1959, particularly in the absence of the requisite permission of the competent authority. The Collector also noticed that the petitioners' own reply acknowledged the old entries and relied upon the mutation records of 1958

and 1967, but those entries did not establish a lawful and transferable Bhumiswami title so as to defeat the restrictions contained in Section 165 of the Code, 1959.

9. The Collector further found that the subsequent execution of the correction deed dated 25.08.2012, deleting Khasra Nos. 93, 109, 119 and 145 from the sale-deeds, did not cure the illegality in respect of the other disputed lands or retrospectively validate the original transactions. He also took note of the circumstances emerging from the enquiry, including the alleged irregularities in the preparation of the partition documents, the revenue entries and the mutation proceedings, and the role attributed to the concerned revenue officials. On such consideration, the Collector concluded that the sale transactions dated 16.09.2010, insofar as they related to the Government/Jhadi Jangal land, the land requiring prior permission under Section 165(7-b), and the Pahadi Korwa land covered by Section 165(6), were in contravention of the statutory restrictions and, therefore, could not lawfully operate to confer title upon the purchaser. Consequently, exercising revisional jurisdiction under Section 50 of the Code, 1959, the Collector cancelled the mutation order dated 15.11.2010 passed under Section 110 of the Code, 1959, in favour of the purchaser and directed restoration of the revenue entries to their position existing before the mutation. The Collector further directed initiation of criminal proceedings against the vendors, their power-of-attorney holder, the attesting witnesses and the purchaser's representative, alleging their involvement in the illegal transfer of Government and restricted lands, and also noted that departmental proceedings had separately been instituted against the concerned revenue officials.
10. In the revision filed by the petitioners, the Board of Revenue, upon consideration of the records of the subordinate proceedings, the enquiry report of the Tahsildar, the relevant revenue records and the submissions

advanced by both sides, held that the disputed lands fell into three distinct categories, namely, (i) Khasra Nos. 93, 109, 119 and 145, admeasuring 10.04 hectares, recorded as Government land under the “Chhote Jhad Ka Jungle” category; (ii) Khasra Nos. 114, 141 and 144, which had earlier been recorded under the *Jhari Jungle/Gautiyai* category and, it could not have been transferred without obtaining the prior permission of the Collector under Section 165(7-b) of the Chhattisgarh Land Revenue Code, 1959; and (iii) Khasra Nos. 120, 122 and 132, admeasuring 3.553 hectares, which were originally recorded as land belonging to members of the Pahadi Korwa Scheduled Tribe and were subsequently transferred in favour of non-tribal persons without compliance with the restrictions contained in Section 165(6) of the Code. The Board of Revenue further held that the execution of the correction deed dated 25.08.2012 in respect of 10.04 hectares did not cure the illegality relating to the remaining disputed lands. It accordingly found that the vendors had unlawfully represented the disputed lands as their own and transferred them to the purchaser under the registered sale-deeds dated 16.09.2010, and that the subsequent mutation in favour of the purchaser was also liable to be cancelled. Finding no substantial ground warranting interference with the Collector's order dated 26.11.2012, the Board of Revenue held the revision petition to be devoid of merit, affirmed the cancellation of mutation and restoration of the earlier revenue entries, as well as the directions for appropriate action against the persons found responsible, and consequently dismissed the revision petition.

11. Mr. Manoj Paranjpe, Learned Senior Advocate appearing for the petitioners, would submit that the impugned order dated 26.11.2012 passed by the Collector, Surguja, is vitiated by jurisdictional as well as procedural errors. The Collector, Surguja, initiated suo motu revisional proceedings on the basis of the enquiry report dated 12.07.2012 submitted by the Tahsildar, Batauli in Revenue Case No. 702/B-121/2010-11, although the said enquiry had not

been duly authorised by the Collector. The petitioners were neither associated with the said enquiry nor was the enquiry report supplied to them before it was relied upon by the Collector. It is further submitted that the Collector proceeded based on unverified oral assertions regarding alleged forged signatures, the death of one of the co-sharers and irregularities in the Gram Panchayat partition proceedings, without summoning the Sarpanch, Secretary, concerned witnesses, death certificate or other relevant documents. Thus, the findings recorded against the petitioners were founded upon an enquiry conducted behind their back, without affording them an effective opportunity to controvert the material relied upon by the Collector, resulting in a clear violation of the principles of natural justice.

12. It is further submitted that the Collector has failed to properly appreciate the old revenue records produced by the petitioners. In respect of Khasra Nos. 141 and 144, the petitioners relied upon the *Wajib-ul-arz* and the revenue entries of 1958 to demonstrate that the land had been settled in the names of Sobhnath and Gaya and was thereafter recorded in the names of their legal heirs, and that the same was not Government-granted land so as to attract the requirement of prior permission under Section 165(7-b) of the Chhattisgarh Land Revenue Code, 1959. Similarly, with respect to Khasra Nos. 120, 122 and 132, the petitioners relied upon Mutation Entry No. 14 dated 24.05.1967, pursuant to which the land was recorded in the name of Sobhnath on the basis of the circumstances and possession recorded therein and, after his death, came to be recorded in the name of Satyanarayan. These material documents were specifically placed before the Collector but were not properly considered. It is also submitted that the land admeasuring 10.04 hectares, alleged to be *Chhote Jhad Ka Jungle*, had already been excluded from the sale transaction by a registered correction deed dated 25.08.2012, before the passing of the impugned order. The petitioners are bona fide purchasers for valuable consideration, having acted upon the

revenue records supplied by the competent authorities, paid the entire consideration and requisite registration charges, and having purchased the land with the intention of ultimately transferring it to the Forest Department for compensatory afforestation. Any error or incorrect entry committed by the revenue authorities could not, in the absence of proof of collusion or knowledge, be attributed to the petitioners.

13. He would next submit that the Collector travelled wholly beyond the scope of his revisional jurisdiction under Section 50 of the Code in declaring the registered sale-deeds dated 16.09.2010 to be ineffective and void. The Collector could, at the highest, examine the legality of the mutation proceedings, but could not adjudicate upon disputed questions of title and nullify registered instruments, particularly when a civil suit concerning the rights of the parties was already pending before the competent Civil Court. It is further contended that the Collector failed to appreciate that revisional jurisdiction, even where no specific period of limitation is prescribed, must be exercised within a reasonable period and cannot be invoked so as to unsettle long-standing revenue entries and rights without cogent justification. The impugned order is also assailed on the ground that an adverse order was passed against a deceased person, namely, Ram Pati, without bringing his legal representatives on record, and that directions for lodging an FIR against the vendors, purchaser, power-of-attorney holder and witnesses, as well as for initiating departmental proceedings against revenue officials, were issued without a proper and complete adjudication of the underlying facts. The Board of Revenue failed to independently examine these jurisdictional, evidentiary and natural justice objections and mechanically affirmed the Collector's order. It is, therefore, prayed that the impugned order dated 26.11.2012 passed by the Collector, Surguja and the order dated 12.03.2015, passed by the Board of Revenue be set aside.

14. Mr. Avinash Singh, learned counsel appearing for the Respondent Nos. 8 and 9/State, would oppose and submit that the impugned order dated 26.11.2012 passed by the Collector, Surguja, does not suffer from any jurisdictional error or violation of the principles of natural justice. The Collector initiated the proceedings on the basis of the enquiry conducted by the Tahsildar, Batauli, and thereafter issued due notice to the concerned parties and afforded them adequate opportunity to submit their replies and documents. The petitioners participated in the proceedings and placed their case before the Collector; therefore, merely because the preliminary enquiry report was not separately furnished to them, the entire proceedings cannot be vitiated, particularly when no specific prejudice caused to the petitioners has been demonstrated. It is further submitted that the Collector, after examining the relevant revenue records and the material collected during enquiry, found that several parcels of land forming part of the sale transactions were Government land, *Chhote Jhad Ka Jungle, Manwar Gautiya* land and land originally recorded in the names of members of the Pahadi Korwa Scheduled Tribe. The subsequent correction deed in respect of 10.04 hectares did not cure the illegality concerning the remaining disputed lands, and the restrictions contained in Section 165(6) and Section 165(7-b) of the Chhattisgarh Land Revenue Code, 1959 were admittedly required to be complied with before effecting such transfers.
15. It would further be submitted that the petitioners cannot claim any indefeasible right merely on the basis of registered sale-deeds or subsequent mutation entries when the vendors themselves had no transferable title or when the statutory restrictions on transfer were attracted. The Collector was competent, while examining the legality of the mutation proceedings in exercise of powers under Section 50 of the Code, to examine whether the mutation was founded upon a legally permissible transaction and to restore the lawful revenue entries. The findings regarding the nature and

transferability of the land were based upon the settlement records and other official revenue documents and were subsequently examined and affirmed by the Board of Revenue. The plea regarding delay is also misconceived, as the proceedings related to the legality of the mutation and sale transactions of the year 2010 and were initiated upon detection of the irregularities during the enquiry in 2012. The State counsel would therefore submit that no prejudice or failure of justice has been demonstrated by the petitioners, and the disputed questions concerning title and validity of the subject transactions cannot be used to invoke the limited supervisory jurisdiction of this Court. The Board of Revenue, having duly considered the material on record and affirmed the reasoned order of the Collector, the writ petition deserves to be dismissed.

16. Ms. Seema Verma, appearing for the Respondent Nos. 1 to 3 would supported the impugned order passed by the Board of Revenue and submit that the order dated 12.03.2015 passed by the Board of Revenue affirming the order dated 26.11.2012 passed by the Collector, Surguja, is well reasoned, based upon the relevant revenue records and material available on record, and does not suffer from any jurisdictional or legal infirmity warranting interference under Article 227 of the Constitution of India. The Collector, upon enquiry into the irregularities relating to the subject lands and after affording due opportunity to the concerned parties, rightly found that various parcels of land included in the registered sale-deeds dated 16.09.2010 were Government land/*Chhote Jhad Ka Jungle*, restricted *Manwar Gautiya* land and land originally belonging to members of the Scheduled Tribe, which could not have been validly transferred in the manner in which the transactions were effected. The subsequent correction deed in respect of the forest land did not validate the other disputed transfers, nor could the petitioners derive any lawful title merely on the basis of mutation entries or registered instruments when the underlying

transactions were contrary to the statutory restrictions contained in the Chhattisgarh Land Revenue Code, 1959. The Board of Revenue has duly considered the grounds raised by the petitioners and, finding no illegality in the Collector's order, rightly dismissed the revision. It is, therefore, submitted that the concurrent findings recorded by the revenue authorities do not warrant interference in the limited supervisory jurisdiction of this Court and the writ petition deserves to be dismissed.

17. I have heard learned counsel for the parties, gone through their pleadings, and perused the documents annexed with the petition.
18. The main question which arises for consideration in the present petition is whether the Collector was justified in exercising suo motu revisional jurisdiction under Section 50 of the Chhattisgarh Land Revenue Code, 1959, on the basis of the enquiry conducted by the Tahsildar and, upon such exercise, in cancelling the mutation in favour of the petitioners in respect of the lands covered by the registered sale-deeds dated 16.09.2010. It is not in dispute that the sale-deeds were executed on 16.09.2010 and that, pursuant thereto, the names of the petitioners were mutated in the revenue records on 15.11.2010. The Tahsildar submitted his enquiry report on 12.07.2012, and the Collector thereafter initiated the proceedings. Thus, insofar as the mutation order dated 15.11.2010 is concerned, the revisional proceedings were initiated within about two years. Section 50 of the Code does not prescribe a specific period of limitation for exercise of suo motu revisional power.
19. However, the submission of the petitioners that the impugned revisional proceedings are liable to be annulled merely on the ground of delay does not appear to be acceptable on the facts of the present case. The proceedings before the Collector were not initiated after an unexplained lapse of several decades from the mutation order; rather, the enquiry was conducted in the year 2012, and the Collector proceeded on the basis of the alleged

irregularities noticed in the revenue records and the transactions of 2010. The fact that the revenue records relied upon by the petitioners relate to the years 1958 and 1967 cannot, by itself, make the revisional proceedings belated, since what was subjected to scrutiny was the subsequent mutation and the legality of the transactions giving rise thereto. The coordinate bench of this Court, while considering the scope of Section 50 in ***Sree Kalp Agri Farm Pvt. Ltd. v. State of Chhattisgarh***, W.P.(C) No. 4053 of 2023, decided on 20.10.2023, has reiterated that the question of reasonable time depends upon the facts of each case and has upheld exercise of revisional jurisdiction where the proceedings were initiated soon after the alleged illegality was brought to the notice of the Collector. It has been considered in the case of ***Sree Kalp Agri Farm Pvt. Ltd.*** (supra) that:-

“13. In case of ***Mulayam Singh & Ors. Vs. Budhuwa Chamar & Ors.***, reported in **2002 (2) MPLJ 480**, Division Bench of High Court of Madhya Pradesh has considered “the reasonable time” for exercising the power under Section 50 of the Code of 1959 and observed thus :-

“6. So far as the question of invoking suo motu power in revision by the Additional Collector under Section 50 of the Code is concerned, in our opinion, this power has rightly been exercised by the Additional Collector. The Division Bench of this Court in the case of *Murari Lal and Ors. v. State of M.P. and Ors.*, (1994 MPLJ 378) has held in para 10 that :--

"It has been, in the last, argued for the petitioners that though no time limit has been prescribed for exercising suo motu powers of revision, yet they should be exercised within a reasonable time. For the said preposition in *State of Gujarat v. Patel*

Raghu Natha (AIR 1969 SC at page 1297), has been cited for the petitioners. In this regard, it has to be seen that it is a cardinal principle of law of limitation that prescribed period (if any) of limitation starts running from the date of acquiring the knowledge of the relevant fact giving rise to the cause of action. In the present case, the relevant lands were recorded in the name of a deity. The Collector started proceedings as soon as the fact of alleged mutation in the names of the petitioners were brought to his notice. Taking action "within a reasonable time" is a relative term. In the facts and circumstances of the present case, action was taken within a reasonable time."

What would be the reasonable time would depend upon the facts of each particular case. In the present case as soon as this fact was brought into his notice, the Additional Collector has rightly exercised the jurisdiction under Section 50 of the Code to set aside the mutation based on a transaction contrary to the provisions of Section 165 (7-B) of the Code. In the circumstances, it cannot be said that the jurisdiction was exercised beyond reasonable time....."

20. As regards the nature of the disputed lands, the Collector has recorded findings on the basis of the revenue and settlement records that different parcels comprised in the sale-deeds fell within distinct categories, namely, *Chhote Jhad Ka Jungle*, *Manwar Gautiya* and land originally recorded in the names of members of the Pahadi Korwa Scheduled Tribe. In respect of Khasra Nos. 93, 109, 119 and 145, admeasuring 10.04 hectares,

the petitioners themselves executed the registered correction deed dated 25.08.2012 and excluded the said lands from the original transaction. Such correction deed, however, could not by itself validate the remaining transactions if those lands were independently found to be subject to statutory restrictions. Likewise, in respect of Khasra Nos. 114, 141 and 144 and Khasra Nos. 120, 122 and 132, the Collector and the Board of Revenue have relied upon the settlement and revenue records and held that the nature of the land attracted the restrictions contained in Section 165 of the Code, 1959. The petitioners rely upon the Wajib-ul-arz, the entries of 1958 and Mutation Entry No.14 dated 24.05.1967 to establish a lawful and heritable right in their vendors. These documents undoubtedly required consideration; however, the mere existence of old revenue entries does not, by itself, establish an unrestricted and transferable title contrary to the statutory restrictions governing the transfer of particular categories of land. The mutation entries are primarily fiscal in character and do not, by themselves, create or extinguish title. Therefore, the authorities were justified in examining whether the vendors possessed a legally transferable interest in the subject land before sustaining the consequential mutation in favour of the petitioners.

21. The contention regarding violation of natural justice also requires examination in the aforesaid factual background. It is true that the petitioners were not associated with the preliminary enquiry conducted by the Tahsildar and that they allege that the enquiry report dated 12.07.2012 was not supplied to them before reliance was placed upon it. However, the record, as noticed from the pleadings, shows that after initiation of the suo motu proceedings the Collector issued notice to the petitioners, whereupon they submitted a detailed reply and produced the revenue records and other documents on which they now rely before this Court. The material findings of the Collector were thereafter considered by the Board of Revenue in revision.

Thus, the question is not merely whether the preliminary enquiry was conducted in the presence of the petitioners, but whether the petitioners were ultimately afforded a meaningful opportunity to meet the allegations and whether failure to supply the preliminary report caused prejudice. In the present case, the ultimate findings of the revenue authorities substantially rest upon the nature of the land as reflected in the revenue and settlement records, rather than upon the oral allegations concerning the partition documents alone. Consequently, the alleged procedural irregularity, in the facts of the case, does not appear sufficient to vitiate the entire proceedings in the absence of demonstrated prejudice.

22. The further submission that the Collector had no jurisdiction to declare the registered sale-deeds dated 16.09.2010 null and void deserves acceptance only to a limited extent. A revenue authority exercising jurisdiction under Section 50 of the Code, 1959, is primarily concerned with the legality and propriety of an order passed by a subordinate Revenue Officer and with the consequential revenue entry; it does not ordinarily exercise the plenary jurisdiction of a Civil Court to adjudicate complicated questions of title or formally cancel a registered conveyance. The Hon'ble Supreme Court has consistently held that mutation proceedings do not confer title and that disputed questions of title ordinarily fall within the jurisdiction of the competent Civil Court. Therefore, if the impugned order is understood as finally adjudicating and extinguishing the civil rights flowing from the registered sale-deeds, such an adjudication would travel beyond the normal scope of revenue jurisdiction. However, if the order is confined to holding that the mutation obtained on the strength of the said transactions could not legally be sustained because the underlying land was subject to statutory restrictions under Section 165 of the Code, 1959, the revenue authority was competent to examine the legality of the consequential mutation. The

distinction between cancellation of a revenue entry and adjudication of the validity of a registered instrument is therefore required to be maintained.

23. Section 165(6) of the Code, 1959, imposes restrictions upon transfer of land held by a Bhumiswami belonging to an aboriginal tribe in favour of a person not belonging to such tribe, except in accordance with the statutory requirements, while Section 165(7)(b) of the Code, 1959, in its applicable field, places restrictions upon attachment or sale in execution of a decree or order, and Section 165(7-b) of the Code, 1959, restricts transfer of land held from the State Government or acquired as Bhumiswami under Section 158(3) of the Code, without the requisite permission of the competent authority. Section 165(10) of the Code, 1959, further operates at the stage of registration by prohibiting registration of a document which purports to contravene the provisions of Section 165 of the Code, 1959. At the same time, where the alleged illegality relates to a transfer of land by a member of an aboriginal tribe to a person not belonging to such tribe, Section 170-B of the Code, 1959, provides a specific statutory mechanism for enquiry by the Sub-Divisional Officer into the circumstances of such transfer and, upon the statutory conditions being satisfied, for consequential restoration of the land. Thus, although the Collector, while exercising revisional jurisdiction under Section 50 of the Code, 1959, may examine the legality of the mutation and the applicability of the restrictions contained in Section 165 of the Code, 1959, the mere finding of a contravention of Section 165 of the Code, 1959, does not, by itself, confer an unrestricted jurisdiction upon the Collector to adjudicate disputed questions of title and declare a registered sale deed ipso facto null and void. Where Section 170-B of the Code, 1959, is attracted, the statutory consequence of an alleged prohibited transfer has to be worked out through the procedure prescribed therein. Moreover, cancellation or annulment of a registered conveyance, particularly where its validity and the title of the parties are disputed, ordinarily falls within the jurisdiction of the

competent Civil Court in accordance with law. Therefore, the Collector could not, merely by exercising revisional powers over the mutation proceedings, assume the jurisdiction of a Civil Court and formally nullify the registered sale deeds dated 16.09.2010; the legality and consequential effect of such transactions were required to be considered within the framework of Sections 165 and 170-B of the Code, 1959, and the jurisdiction specifically conferred upon the competent statutory or civil forum.

24. In view of the foregoing discussion, this Court is of the considered opinion that although the Collector was competent, while exercising revisional jurisdiction under Section 50 of the Chhattisgarh Land Revenue Code, 1959, to examine the legality of the mutation proceedings and the applicability of the restrictions contained in Section 165 of the Code, he could not have assumed the jurisdiction of a Civil Court to adjudicate upon the validity of the registered sale-deeds dated 16.09.2010 and declare the same null and void. The effect and consequences of an alleged contravention of Section 165 of the Code, 1959, have to be worked out only in accordance with the statutory mechanism applicable to the particular nature of the alleged transfer and before the authority competent in that regard.
25. Accordingly, the order dated 26.11.2012 passed by the Collector, Surguja, is partly set aside to the extent whereby the registered sale-deeds dated 16.09.2010 have been declared null and void. The competent authority shall be at liberty to proceed independently in accordance with law, uninfluenced by any observation made herein except to the extent expressly decided by this Court. The order dated 12.03.2015 passed by the Board of Revenue shall stand modified to the aforesaid extent.
26. Nothing contained in this order shall, therefore, be construed as preventing the competent authority from taking such action as may be permissible in law under applicable provision of the Chhattisgarh Land Revenue Code, 1959, if the statutory conditions for invocation thereof are otherwise

satisfied. However, such liberty shall not be construed as a declaration by this Court that Section 170-B of the Code, 1959, is attracted to the transactions in question or that any proceeding thereunder is otherwise maintainable.

27. Consequently, the writ petition is **partly allowed**.
28. Interim order, if any, stands vacated.
29. Record of the revenue Courts shall be sent back along with a copy of this order.

Sd/-
(Ravindra Kumar Agrawal)
Judge