YOGESH TIWARI Digitally signed by YOGESH TIWARI Date: 2026.08.03 18:03:10 +0530

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HIGH COURT OF CHHATTISGARH AT BILASPUR

Order Reserved on : 03.07.2026

Order Delivered on : 03.08.2026

WPC No. 1493 of 2022

1 - Rajendra S/o Shivlal Aged About 63 Years R/o Main Road Batauli, Tahsil Batauli District Surguja Chhattisgarh.

2 - Nand Kishore (Dead) Through LR Sushant Kishor Gupta S/o Late Nand Kishore Aged About 40 Years R/o Mini Sarkari Housing Board Colony Pune District Pune Maharashtra.

3.1 - Pradeep (Died) Through Lrs. As Per Hon'ble Court Order Dated 09-04-2025.

3.1.1 - Deepika Gupta D/o Late Pradeep Kumar Gupta Aged About 43 Years R/o H. No. 73 Kha, Gangapur Khurd, Ambikapur, Distt. Surguja C.G.

3.1.2 - Pooja Gupta D/o Late Pradeep Kumar Gupta Aged About 32 Years R/o Main Road Batauli, Distt. Surguja (C.G.)

3.1.3 - Suraj Kumar Gupta S/o Late Pradeep Kumar Gupta Aged About 29 Years R/o M. No. 119 Bijili Para, Kunkuri Kala, Distt. Surguja (C.G.)

3.1.4 - Jyoti Gupta D/o Late Pradeep Kumar Gupta Aged About 28 Years R/o H. No. 139 Uparpara Baneya Distt. Surguja (C.G.)

3.1.5 - Ujjawal Kumar Gupta S/o Late Pradeep Kumar Gupta Aged About 23 Years R/o Main Road Batauli, Village Batauli, Distt. Surguja (C.G.)

3.1.6 - Saraswati Gupta W/o Late Pradeep Kumar Gupta Aged About 59 Years R/o Bijli Office Para Kunkuri Kala Batauli Distt. Surguja (C.G.)

3.2 - Jayant (Died) Through Lrs.- As Per Hon'ble Court Order Dated 09-04-2025.

3.2.1 - Samrat Gupta S/o Late Jayant Kumar Gupta Aged About 39 Years R/o Bagicha Road Nawa Para Batauli, Distt. Surguja (C.G.)

3.2.2 - Shahnshah Gupta S/o Late Jayant Kumar Gupta Aged About 36 Years R/o Mata Diya Main Road Near Santoshi Temple Batauli Distt. Surguja (C.G.)

3.2.3 - Aman Gupta S/o Late Jayant Kumar Gupta Aged About 29 Years R/o Bagicha Road Nawa Para Batauli, Distt. Surguja (C.G.)

3.2.4 - Akash Kumar Gupta S/o Late Jayant Kumar Gupta Aged About 29 Years R/o Bagicha Road Nawa Para Batauli Distt. Surguja (C.G.)

3.2.5 - Rashmi Gupta W/o Late Jayant Kumar Gupta Aged About 39 Years R/o Main Road Batauli Sitapur, Batauli Distt. Surguja (C.G.)

4 - Prahlad S/o Nanhak Aged About 70 Years R/o Village Kunkurikala Tahsil Batauli District Surguja Chhattisgarh.

5 - (A) Rajeev Gupta S/o Late Dhurva Aged About 40 Years R/o Village Kunkurikala Tahsil Batauli District Surguja Chhattisgarh.

5.1 - Ashish S/o Late Dhurva Aged About 35 Years R/o Village Kunkurikala Tahsil Batauli District Surguja Chhattisgarh.

... Petitioners

versus

1 - Vimal S/o Amrit Aged About 40 Years R/o Village Batwari, Tahsil Lundra District Surguja Chhattisgarh.

2 - Shimal S/o Amrit Aged About 36 Years R/o Village Batwari, Tahsil Lundra District Surguja Chhattisgarh.

3 - Jaimukut S/o Jeevan Masih Aged About 48 Years R/o Village Batwari, Tahsil Lundra District Surguja Chhattisgarh.

4 - Amandeep S/o Jeevan Masih Aged About 45 Years R/o Village Batwari, Tahsil Lundra District Surguja Chhattisgarh.

5 - Nirmal S/o Fakira Aged About 48 Years R/o Village Batwari, Tahsil Lundra District Surguja Chhattisgarh.

6 - Kamal S/o Late Bhika Aged About 35 Years R/o Village Batwari, Tahsil Lundra District Surguja Chhattisgarh.

7 - Mitthu S/o Late Bhikha Aged About 36 Years R/o Village Batwari, Tahsil Lundra District Surguja Chhattisgarh.

8 - Mahaveer S/o Late Bodhan Aged About 60 Years R/o Village Batwari, Tahsil Lundra District Surguja Chhattisgarh.

9 - Jaimasih S/o Late Bodhan Aged About 55 Years R/o Village Batwari, Tahsil Lundra District Surguja Chhattisgarh.

10 - Jyoti (Died) Through Legal Heirs As Per Honble Court Order 02.07.2026

10.1 - A) Anand Ekka S/o Jyoti Ekka R/o Village Batwahi, Tehsil Lundra, District - Sarguja (C.G.)

10.2 - B) Rajkumar Wd/o Jyoti Ekka R/o Village Batwahi, Tehsil Lundra, District - Sarguja (C.G.)

11 - Ajaat S/o Late Sudhan Aged About 45 Years R/o Village Batwari, Tahsil Lundra District Surguja Chhattisgarh.

12 - Praful S/o Late Sudhan Aged About 42 Years R/o Village Batwari, Tahsil Lundra District Surguja Chhattisgarh.

13 - State Of Chhattisgarh, Through Sub Divisional Officer Sitapur District Surguja Chhattisgarh.

14 - Collector Surguja District Surguja Chhattisgarh.

15 - Commissioner Surguja Division (Ambikapur) District Surguja Chhattisgarh.

16 - The Member Revenue Board Bilaspur Chhattisgarh.

17 - Banarasi S/o Shivlal Aged About 70 Years R/o Main Road Batauli, Tahsil, Batauli District Surguja Chhattisgarh.

--- Respondents

(Cause-title taken from Case Information System)

For Petitioners	**:**	Mr. Manoj Paranjpe, Senior Advocate assisted by Mr. Sanjay Agrawal and Mr. Dev Ashish Biswas, Advocates
For State	**:**	Dr. Arham Siddiqui, Panel Lawyer
For Respondents No.1, 5 & 9	**:**	Mr. Kishore Narayan, Advocate

Hon'ble Shri Amitendra Kishore Prasad, Judge

CAV Order

1. Heard Mr. Manoj Paranjpe, learned Senior Counsel assisted by Mr. Sanjay Agrawal and Mr. Dev Ashish Biswas, learned counsel appearing for the petitioners. Also heard Dr. Arham Siddiqui, learned Panel Lawyer, appearing for the State and Mr. Kishore Narayan, learned counsel appearing for respondents No.1, 5 & 9.

2. By filing the present petition, the petitioners assail the legality, validity and propriety of the order dated 03.03.2022 passed by the Learned Revenue Board, Bilaspur, affirming the order dated 09.07.2018 passed by the Commissioner, Surajpur, which in turn affirmed the order dated 08.03.2018 passed by the Collector, Surguja (Ambikapur), setting aside the order dated 10.12.2014 passed by the Sub-Divisional Officer, Sitapur, District Surguja, in proceedings under Section 170-B of the Chhattisgarh Land Revenue Code, 1959 (for short, 'Code, 1959'). The Sub-Divisional Officer had dismissed the respondents' application holding that the land had been transferred prior to 02.10.1959 and, therefore, the provisions of Section 170-B of the Code, 1959 were inapplicable. The petitioners have prayed for following reliefs:-

> *"i. That, this Hon'ble Court may kindly be pleased to call the records of learned courts below.*

ii. That, this Hon'ble court may kindly set aside the impugned order dated 3/3/2022 passed by the respondent no 16 and may kindly restore the order dated 10/12/2014 passed by the respondent no 13.

iii. That, any other relief which this Hon'ble Court deems fit and proper may also kindly be granted to the present petitioner in the interest of justice along with costs of the petition."

3. It is pertinent to mention that during the pendency of the present writ petition, petitioner No. 3(A), Pradeep, petitioner No. 3(B), Jayant, and respondent No. 10, Jyoti, expired. Appropriate applications for substitution were preferred before this Court, and the legal representatives of the aforesaid deceased petitioner and respondent have been duly brought on record. Accordingly, the present writ petition is being prosecuted and contested through their respective legal representatives.

4. The brief facts of the case, in a nutshell, are that the dispute pertains to agricultural land bearing Khasra No. 05, admeasuring 3.96 acres, situated at Village Batauli, Tahsil Sitapur (now Batauli), District Surguja, Chhattisgarh. The present respondents instituted proceedings under Section 170-B of the Code, 1959 before the learned Sub-Divisional Officer, Sitapur, seeking

restoration of the aforesaid land on the assertion that the same originally belonged to their ancestor, Late Pandra Oraon, whose name stood recorded in the Surguja State Settlement records of the year 1939. According to the respondents, after the death of Late Pandra Oraon, the names of his legal heirs were recorded in the revenue records and the family continued to be the recorded tenure holders of the land. It was further alleged that around the year 1975, owing to financial difficulties and in search of livelihood, the descendants of Late Pandra Oraon shifted permanently to Village Batwahi and, during their absence, the present petitioners, belonging to the Roniyar community, managed to get the disputed land mutated in their names without any lawful authority. On these allegations, the respondents sought restoration of possession under Section 170-B of the Code, 1959.

5. Upon notice being issued, the present petitioners entered appearance and filed their detailed objections denying the allegations levelled by the respondents. It was specifically pleaded that although the disputed land had originally been recorded in the name of Late Pandra Oraon in the Surguja State Settlement dated 05.04.1939, after the said settlement he had abandoned the village and remained absconding. It was further pleaded that Shivlal Sao came into possession of the land during the relevant period and that during the subsequent settlement operations of the year 1954-55, the competent Settlement Officer/Publication Officer, by order dated 08.04.1956 (also

referred to as 18.04.1956 in the revenue records), settled and allotted the land in favour of Shivlal Sao. It was further pleaded that pursuant to the said settlement, the names of Shivlal Sao and Nanka Sao came to be recorded in the Adhikar Abhilekh and other settlement records and ever since then the petitioners and their predecessors-in-interest have remained in peaceful, continuous and uninterrupted possession of the disputed property. It was also pleaded that there had never been any transfer or transaction between the tribal ancestor of the respondents and the petitioners and that the land had been settled directly by the competent authority under the erstwhile Surguja State Settlement proceedings. The petitioners further asserted that certain portions of the land had also been purchased by their predecessors and residential houses had been constructed thereon decades ago, whereafter the names of the successors-in-interest were duly recorded in the revenue records.

6. The learned Sub-Divisional Officer, after considering the pleadings of the parties and examining the documentary evidence produced on record, particularly the Surguja State Settlement records and the Adhikar Abhilekh of the year 1954-55, passed a detailed order dated 10.12.2014 dismissing the application preferred by the respondents. The learned Sub-Divisional Officer recorded a categorical finding that although the Surguja State Settlement of 05.04.1939 reflected the name of Pandra Oraon, son of Mahato Oraon, the subsequent Record of Rights prepared during the

settlement of the year 1954-55 clearly recorded Khasra No. 905 measuring 1.32 acres in the names of Baula and Nanka, sons of Manbodh Roniyar, while Khasra Nos. 27, 406, 520 and 406/1362 were recorded in the name of Shivlal Sao, son of Brijmohan Sao Roniyar. On the basis of the aforesaid revenue entries, the learned Sub-Divisional Officer concluded that the disputed land had come to be recorded in the names of the petitioners' predecessors during the settlement proceedings of 1954-55 itself and, therefore, the change in title and possession had occurred much prior to 02.10.1959, i.e., prior to the enforcement of the Code, 1959. Relying upon the legal position that transfers effected prior to 02.10.1959 do not fall within the ambit of Section 170-B of the Code, 1959, the learned Sub-Divisional Officer held that the provisions of Section 170-B of the Code, 1959 were not attracted and accordingly rejected the respondents' application by order dated 10.12.2014.

7. Being aggrieved by the aforesaid order, the present respondents preferred Revenue Appeal No. 29/A-23/2014-15 before the learned Collector, Surguja. Upon hearing the parties, the learned Collector, by order dated 08.03.2018, allowed the appeal and set aside the order passed by the learned Sub-Divisional Officer. The learned Collector held that the petitioners had failed to produce any legally admissible document evidencing a valid transfer of ownership in favour of Shivlal Sao or other predecessors and further held that the alleged transfer in favour of the petitioners'

predecessors had not been established by any registered conveyance or legally recognised title document. Consequently, the appeal preferred by the respondents came to be allowed. The learned Collector passed order for reversion of land in favour of the Tribals**.**

8. Questioning the aforesaid order of the Collector, the present petitioners preferred Revenue Revision No. 212/A-23/2017-18 before the learned Commissioner, Surguja Division, Ambikapur. After considering the rival submissions, the learned Commissioner, by order dated 09.07.2018, dismissed the revision petition and affirmed the findings recorded by the Collector, thereby maintaining the order setting aside the decision of the learned Sub-Divisional Officer.

9. Still aggrieved, the petitioners preferred a further revision before the Board of Revenue, Bilaspur, which was registered as Revision No. R.N./16/R/A-23/185/2018. Before the Board of Revenue, the petitioners reiterated that the land had been settled by the competent Settlement Officer in the year 1954-55; that there had been no transfer or transaction between the tribal landholders and the petitioners; that the settlement made by the State authorities could not be treated as a transfer attracting Section 170-B of the Code, 1959; that the settlement order dated 08.04.1956 had never been challenged by the respondents or their predecessors; and that proceedings initiated nearly six decades thereafter were

wholly misconceived. It was further urged that the entries in the Record of Rights prepared during the Surguja State Settlement had attained finality long ago and could not be reopened in proceedings under Section 170-B of the Code, 1959.

10. The Board of Revenue, after calling for the original records and hearing the parties, framed issues regarding the original ownership of the land, the legality of the subsequent recording of the names of the petitioners' predecessors and the correctness of the orders passed by the subordinate authorities. Upon examining the records, the Board observed that the land had indeed originally stood recorded in the name of Pandra Oraon in the Surguja State Settlement; however, according to the Board, no legally recognised document such as a registered sale deed, gift deed, relinquishment deed or any other lawful instrument had been produced by the petitioners to establish the legal basis on which the names of Shivlal Sao or other predecessors came to be recorded. The Board further observed that mere possession of the land could not confer title and that no valid document had been produced showing lawful transfer of ownership prior to 02.10.1959. It also noticed that even the subsequent B-1 records reflected the names of the descendants of Pandra Oraon and, according to the Board, the petitioners had failed to establish any lawful mode by which the ownership had passed in their favour. On these findings, the Board held that the order passed by the learned Sub-Divisional Officer proceeded on an erroneous

assumption that mere recording of names during the settlement of 1954-55 was sufficient to exclude applicability of Section 170-B of the Code, 1959 and, consequently, affirmed the orders passed by the Collector and the Commissioner while setting aside the order dated 10.12.2014 passed by the learned Sub-Divisional Officer. The revision petition was accordingly dismissed by order dated 03.03.2022.

11. Being aggrieved by the order dated 03.03.2022 passed by the Board of Revenue, Bilaspur, whereby the concurrent orders of the Collector dated 08.03.2018 and the Commissioner dated 09.07.2018 have been affirmed and the well-reasoned order dated 10.12.2014 passed by the learned Sub-Divisional Officer has been set aside, the petitioners have invoked the extraordinary writ jurisdiction of this Court by filing the present writ petition.

12. Mr. Manoj Paranjpe, learned Senior Counsel, assisted by Mr. Sanjay Agrawal and Mr. Dev Ashish Biswas, learned counsel appearing for the petitioners, vehemently submitted that the impugned order dated 03.03.2022 passed by the Board of Revenue, Bilaspur, whereby the order dated 09.07.2018 passed by the Commissioner, Surguja Division and the order dated 08.03.2018 passed by the Collector, Surguja, were affirmed, is wholly unsustainable in law as well as on facts. It is contended that the authorities below have committed a manifest error in reversing the well-reasoned order dated 10.12.2014 passed by

the learned Sub-Divisional Officer, who, after examining the original settlement records, Adhikar Abhilekh and other documentary evidence available on record, had rightly arrived at the conclusion that the provisions of Section 170-B of the Code, 1959 were not attracted to the facts and circumstances of the present case. He would submit that there is no dispute with regard to the fact that the land in question was originally recorded in the name of Late Pandra Oraon in the erstwhile Surguja State Settlement of the year 1939. However, the subsequent events and revenue records clearly demonstrate that after the said settlement, Pandra Oraon and his legal heirs abandoned the village and the land remained in possession of Shivlal Sao and other predecessors-in-interest of the present petitioners. During the subsequent settlement proceedings conducted in the year 1954-55, the competent Settlement Authority, after following due procedure prescribed under law, examined the status and possession of the land and allotted the same in favour of Shivlal Sao and other predecessors-in-interest of the petitioners vide order dated 08.04.1956 passed under Section 115 of the M.P. Land Revenue Code, 1954.

13. It is submitted that pursuant to the aforesaid statutory settlement proceedings, the names of the predecessors of the petitioners were duly incorporated in the Adhikar Abhilekh (Record of Rights) prepared during the settlement operations. The said entries were not ordinary mutation entries but were the result of a statutory

settlement exercise undertaken by the competent revenue authority. The Adhikar Abhilekh clearly records allotment of land bearing Khasra No.27, area 1.68 acres, Khasra No.406, area 0.63 acres, Khasra No.520, area 0.02 acres and Khasra No.406/1362, area 0.20 acres in favour of Shivlal Sao. Likewise, land bearing Khasra No.905, area 1.32 acres was allotted in favour of Bahula Nanka and his successors. After such lawful allotment, the petitioners and their predecessors have remained in continuous, peaceful and uninterrupted possession of the said lands.

14. Learned Senior Counsel would further submit that the settlement proceedings and the entries made in the Adhikar Abhilekh prepared under the provisions of the M.P. Land Revenue Code, 1954 carry a statutory presumption of correctness. Referring to the provisions contained under Sections 103, 105 and 115 of the M.P. Land Revenue Code, 1954, it is argued that the Record of Rights prepared in accordance with the statutory procedure is presumed to be correct unless the same is lawfully substituted or disproved by cogent evidence. In the present case, the Adhikar Abhilekh prepared during the settlement proceedings of 1954-55 has never been challenged by the respondents or their predecessors before any competent authority at any point of time.

15. It is further submitted that Section 115 of the M.P. Land Revenue Code, 1954 itself provides a mechanism for raising objections against entries made in the Record of Rights. However, the

respondents, despite having knowledge of the revenue entries and the possession of the petitioners for several decades, never questioned the legality or correctness of such entries. Therefore, after the lapse of nearly six decades, the respondents cannot be permitted to indirectly challenge the statutory settlement proceedings in a summary proceeding initiated under Section 170-B of the Code, 1959.

16. Learned Senior Counsel would submit that the entire proceedings initiated by the respondents under Section 170-B of the Code, 1959 are founded on an erroneous assumption that there was a transfer of tribal land in favour of a non-tribal person. According to him, such assumption is factually incorrect and legally misconceived. The petitioners or their predecessors never acquired the land through any sale deed, gift deed, exchange, relinquishment deed or any private transaction executed by a tribal landholder. On the contrary, their rights flow from a statutory allotment made by the competent Settlement Officer after due enquiry and preparation of the Record of Rights. It is submitted that the very foundation for invoking Section 170-B of the Code, 1959 is absent in the present case, as the provision contemplates restoration only in cases where there is an identifiable transfer of land between a member of Scheduled Tribe and a non-tribal person within the period contemplated by the statute. In absence of any such transaction, the proceedings initiated by the respondents under Section 170-B of the Code, 1959 were without

jurisdiction.

17. Learned Senior Counsel would further contend that even assuming, without admitting, that the acquisition of rights by the petitioners amounts to a transfer, the same admittedly took place much prior to the enforcement of the Code, 1959. The Adhikar Abhilekh of 1954-55 and the order dated 08.04.1956 passed by the Settlement Officer clearly establish that the rights of the petitioners' predecessors stood recognized and recorded before 02.10.1959. Therefore, the provisions of Section 170-B of the Code, 1959, which have limited retrospective operation and apply only to transactions falling within the statutory period, cannot be invoked to unsettle rights which had already accrued prior to the commencement of the Code. It is argued that the learned Sub-Divisional Officer had correctly appreciated this legal position and dismissed the application filed by the respondents under Section 170-B of the Code, 1959 after considering the settlement records. However, the Collector, Commissioner and the Board of Revenue have failed to appreciate the distinction between a statutory settlement and a private transaction. The authorities have proceeded as if the petitioners were required to produce a registered sale deed or any other conveyance document, whereas no such document could possibly exist since the petitioners' title is based upon statutory allotment and settlement proceedings.

18. Learned Senior Counsel would submit that the Board of Revenue

committed a jurisdictional error by holding that the petitioners failed to establish their title in absence of a registered document. Such an approach overlooks the fact that the Record of Rights prepared under statutory authority itself constitutes relevant evidence of the rights created and recognized during the settlement proceedings. The Board of Revenue failed to consider that the respondents' own claim was based upon the entry of Pandra Oraon in the Surguja State Settlement of 1939, whereas the subsequent statutory settlement of 1954-55 and the consequential entries remained operative and unchallenged for several decades.

19. Learned Senior Counsel further submitted that the Collector passed the order dated 08.03.2018 without conducting any effective enquiry regarding the nature of possession and without considering the statutory settlement records produced by the petitioners. The subsequent orders passed by the Commissioner and the Board of Revenue merely affirmed the said erroneous findings without examining the legal effect of the Adhikar Abhilekh prepared under Section 115 of the M.P. Land Revenue Code, 1954.

20. It is also contended that the proceedings under Section 170-B of the Code, 1959 are summary in nature and cannot be converted into proceedings for adjudication of complicated questions of title. Once the petitioners demonstrated that their predecessors

acquired rights through statutory settlement proceedings prior to 02.10.1959, the jurisdiction under Section 170-B of the Code, 1959 stood excluded. Any challenge to the validity of the settlement order or Record of Rights could only be raised before the competent forum in appropriate proceedings and not through an application under Section 170-B of the Code, 1959.

21. Learned Senior Counsel has also drawn attention to the fact that respondent Nos.10-A and 10-B, in their reply, have admitted that the application under Section 170-B of the Code, 1959 was dismissed by the learned Sub-Divisional Officer on the ground that the allotment had taken place prior to 02.10.1959. It is further submitted that the respondents have themselves admitted the legal position that Section 170-B of the Code, 1959 is not applicable to transactions made prior to 02.10.1959.

22. In support of his submissions, learned Senior Counsel placed reliance upon the judgment of the Division Bench of this Court in ***Sonasingh and others v. Bholanath Joshi and others (W.A. No.136/2025 decided on 24.02.2025)***, wherein the scope and ambit of Section 170-B of the Code, 1959 has been considered and it has been held that the said provision applies only to transactions falling within the statutory period contemplated therein. It was held that where the rights of a non-tribal are not derived through a transfer from a member of Scheduled Tribe or where such rights had already accrued prior to 02.10.1959, the

provisions of Section 170-B of the Code, 1959 cannot be invoked.

23. Learned Senior Counsel further relied upon the judgment passed in ***Bholanath Joshi and others v. State of Chhattisgarh and others (W.P.(C) No.2593/2023 decided on 05.12.2024)***, wherein this Court held that revenue entries made prior to the cut-off date of 02.10.1959 cannot be subjected to scrutiny as enumerated under Section 170-B of the Code, 1959. It was observed that before exercising jurisdiction under the said provision, the existence of a transaction falling within the statutory period is required to be established.

24. Reliance has also been placed upon the judgment passed in ***Pratap Singh Rathiya and others v. Madhusudan and others (S.A. No.129/2022 decided on 21.02.2024)***, wherein this Court considered the evidentiary value of Adhikar Abhilekh prepared under Section 115 of the M.P. Land Revenue Code, 1954 and held that such statutory records carry a presumption of correctness unless rebutted by cogent evidence.

25. Learned Senior Counsel further relied upon the judgment in ***Parwati Bai and another v. State of Madhya Pradesh and others (W.P. No.1739/1997 decided on 02.02.2010)***, wherein it has been held that proceedings under the provisions relating to restoration of tribal land can be initiated only when the statutory requirements regarding transfer and the prescribed period are satisfied.

26. Learned Senior Counsel also placed reliance upon the judgment rendered in ***Atmaram Rohulla and others v. State of Madhya Pradesh,*** reported in ***1995 MPLJ 633***, wherein the scope of Section 170-B of the Code, 1959 and the nature of presumption arising thereunder has been considered. It was held that such presumption is rebuttable and the authority is required to examine whether possession is based upon lawful authority before directing restoration.

27. On the strength of the aforesaid judgments and factual position, learned Senior Counsel submits that the controversy involved in the present petition is squarely covered by the settled legal principles laid down by this Court. The petitioners' rights having originated from statutory settlement proceedings conducted prior to 02.10.1959 and the corresponding revenue entries having remained unchallenged for decades, the proceedings under Section 170-B of the Code, 1959 were wholly without jurisdiction. It is, therefore, prayed that the impugned order dated 03.03.2022 passed by the Board of Revenue, Bilaspur, as well as the orders dated 09.07.2018 passed by the Commissioner, Surguja Division and dated 08.03.2018 passed by the Collector, Surguja, be set aside and the order dated 10.12.2014 passed by the learned Sub-Divisional Officer dismissing the application under Section 170-B of the Code, 1959 be restored.

28. Mr. Kishore Narayan, learned counsel appearing for respondents

No. 1, 5 and 9, vehemently opposed the submissions advanced by the learned Senior Counsel appearing for the petitioners and submitted that the learned Sub-Divisional Officer committed a patent error of law in dismissing the application preferred by the respondents under Section 170-B of the Code, 1959. It is contended that the learned Sub-Divisional Officer proceeded on an erroneous assumption that merely because certain revenue entries came to be recorded in favour of the petitioners' predecessors during the settlement proceedings of the year 1954-55, the provisions of Section 170-B of the Code, 1959 would automatically become inapplicable. According to the learned counsel, the learned Sub-Divisional Officer failed to examine the fundamental question as to whether the petitioners or their predecessors had acquired any lawful title over the disputed land by virtue of a legally recognised mode of transfer or any valid document conferring ownership.

29. Learned counsel would further submit that the Collector, upon a proper appreciation of the entire material available on record, rightly found that the petitioners had failed to produce any registered sale deed, gift deed, relinquishment deed, permission granted by the competent authority, or any other legally admissible document evidencing a valid transfer of title from the original tribal landholder in favour of the petitioners' predecessors. It is submitted that the Collector, therefore, rightly concluded that the mere existence of subsequent revenue entries or possession

could not validate an otherwise unauthorized change in ownership of land originally belonging to a member of the Scheduled Tribe. The said well-reasoned findings were thereafter independently examined and affirmed by the learned Commissioner in revision.

30. Learned counsel further submits that the Board of Revenue, while exercising its revisional jurisdiction, has passed a detailed, speaking and reasoned order after meticulously examining the entire original record, the rival contentions advanced by the parties and the applicable statutory provisions. The Board has rightly held that the petitioners failed to establish any lawful source of title in respect of the disputed land and that no document evidencing a valid transfer prior to 02.10.1959 had been produced. It is contended that the Board has correctly concluded that mere possession or mutation entries cannot confer ownership in the absence of a legally recognised mode of acquisition and that the findings recorded by the Collector and the Commissioner do not suffer from any perversity warranting interference under Article 226 of the Constitution of India.

31. It is, therefore, submitted that the impugned order passed by the Board of Revenue is well-founded both on facts and in law, calls for no interference by this Court in exercise of its writ jurisdiction, and consequently, the present writ petition deserves to be dismissed.

32. Dr. Arham Siddiqui, learned Panel Lawyer appearing for the State

supported the impugned order passed by the Board of Revenue and would submit that the authorities below have concurrently recorded findings of fact after due appreciation of the material available on record and the same do not warrant interference in exercise of the extraordinary jurisdiction under Article 226 of the Constitution of India. According to him, the Board of Revenue has rightly held that although the land originally stood recorded in the name of Pandra Oraon, the petitioners failed to produce any legally admissible document evidencing a valid transfer or lawful acquisition of title in favour of their predecessors. Mere possession or subsequent mutation entries, in the absence of any legally recognised mode of transfer, cannot confer title over the disputed land. He further submitted that the petitioners' contention that the land stood settled in their favour during the settlement proceedings of 1954-55 has rightly been disbelieved by the revenue authorities inasmuch as no authenticated settlement order or document conferring title has been produced. On the contrary, the revenue records indicate that the land originally belonged to a member of the Scheduled Tribe and there is no material to establish a lawful divestment of his title. It is, therefore, submitted that the Collector, the Commissioner and the Board of Revenue have rightly concluded that the petitioners failed to establish any valid source of title and, consequently, no interference with the impugned orders is called for. It is, therefore, prayed that the writ petition, being devoid of any merit, deserves

to be dismissed.

33. I have heard learned counsel appearing for the respective parties and perused the documents brought on record with utmost circumspection.

34. Upon thoughtful consideration of the rival submissions and on a careful examination of the material available on record, the principal question which falls for determination is whether the authorities below were justified in invoking the provisions of Section 170-B of the Code, 1959, in the facts and circumstances of the present case and in reversing the well-reasoned order passed by the learned Sub-Divisional Officer dated 10.12.2014. The ancillary issue which also arises for consideration is whether the petitioners have been able to establish that the disputed land had vested in or was settled in favour of their predecessors during the Surguja State Settlement of the year 1954-55, prior to the enforcement of the Chhattisgarh Land Revenue Code, 1959, and, if so, whether such settlement falls outside the ambit of Section 170-B of the Code, 1959.

35. Before adverting to the rival contentions on merits, it would be apposite to examine the statutory scheme governing Section 170-B of the Code, 1959, together with the scope and ambit of the jurisdiction exercisable thereunder, in the light of the principles laid down by the Division Bench and the Co-ordinate Benches of this Court as well as the precedents of the erstwhile High Court of

Madhya Pradesh relied upon by the parties.

36. Undisputedly, the facts of the present case reveal that the disputed land bearing Khasra No. 05, admeasuring 3.96 acres, situated at Village Batauli, District Surguja, originally stood recorded in the name of Pandra Oraon, son of Mahato Oraon, in the Surguja State Settlement dated 05.04.1939. It is also not in dispute that during the subsequent settlement operations of the year 1954-55, the names of the petitioners' predecessors, namely, Shivlal Sao, son of Brijmohan Sao Roniyar, and Nanka, son of Manbodh Roniyar, came to be recorded in the Record of Rights/Adhikar Abhilekh pursuant to the settlement proceedings and the consequential order dated 08.04.1956 passed by the competent Settlement Officer. The respondents invoked the provisions of Section 170-B of the Code, 1959 only in the year 2012-13 by filing an application before the learned Sub-Divisional Officer seeking restoration of the disputed land, i.e., after nearly six decades from the preparation of the settlement records and more than fifty years after the enforcement of the Code, 1959. The provisions under Section 170-B of the Code, 1959 reads as under :-

> *"**170-B. Reversion of land of members of aboriginal tribe which was transferred by fraud. -** (1) Every person who on the date of commencement of the Chhattisgarh Land Revenue Code (Amendment), 1980 (hereinafter referred to as the Amendment Act*

of 1980) is in possession of agricultural land which belonged to a member of a tribe which has been declared to be an aboriginal tribe under sub-section (6) of Section 165 between the period commencing on the 2nd October, 1959 and ending on the date of the commencement of Amendment Act, 1980 shall, within two years of such commencement, notify to the Sub-Divisional Officer in such form and in such manner as may be prescribed, all the information as to how he has come in possession of such land.

(2) If any person fails to notify the information as required by sub-section (1) within the period specified therein it shall be presumed that such person has been in possession of the agricultural land without any lawful authority and the agricultural land shall, on the expiration of the period aforesaid revert to the person to whom it originally belonged and if that person be dead, to his legal heirs.

(2-A) If a Gram Sabha in the Scheduled area referred to in clause (1) of Article 244 of the Constitution finds that any person, other than a member of an aboriginal tribe, is in possession of any land of a bhumiswami belonging to an aboriginal tribe, without any lawful authority, it shall restore the possession of such land to that person to whom it originally belonged and if that person is dead to his legal heirs :

Provided that if the Gram Sabha fails to

restore the possession of such land, it shall refer the matter to the Sub-Divisional Officer, who shall restore the possession of such land within three months from the date of receipt of the reference.

(3) On receipt of the information under sub-section (1), the Sub-Divisional Officer shall make such enquiry as may be deemed necessary about all such transactions of transfer and if he finds that the member of aboriginal tribe has been defrauded of his legitimate right he shall declare the transaction null and void and pass an order revesting the agricultural land in the transferor and, if he is dead, in his legal heirs.

(3) On receipt of the information under sub-section (1) the Sub-Divisional Officer shall make such enquiry as may be necessary about all such transactions , of transfer and if he finds that the member of aboriginal tribe has been defrauded of his legitimate right he shall declare the transaction null and void and-

(a) Where no building or structure has been erected on the agricultural land prior to such finding pass an order revesting the agricultural land in the transferer and if he be dead, in his legal heirs,

(b) Where any building or structure has been erected on the agricultural land prior to such finding, he shall fix the price of

such land in accordance with the principles laid down for fixation of price of land in the Land Acquisition Act, 1894 (No. 1 of 1894) and order the person referred to in sub-section (1) to pay to the transferor the difference, if any, between the price so fixed and the price actually paid to the transferer :

Provided that where the building or structure has been erected after the 1st day of January, 1984, the provisions of clause (b) above shall not apply :

Provided further that fixation of price under clause (b) shall be with reference to the price on the date of registration of the case before the Sub-Divisional Officer."

37. A bare reading of the provisions contained in Section 170-B of the Code, 1959 would reveal that the legislative intent behind the said provision is to provide a special mechanism for restoration of agricultural land belonging to members of the Scheduled Tribe which had been transferred to a non-tribal by way of a transaction falling within the statutory period commencing from 02.10.1959 and ending with the commencement of the Chhattisgarh Land Revenue Code (Amendment) Act, 1980. The jurisdiction of the Sub-Divisional Officer under Section 170-B of the Code, 1959 can be invoked only where there exists a transfer of agricultural land by a tribal in favour of a non-tribal and the authority, upon due enquiry, arrives at a finding that the tribal had been deprived of his

legitimate rights by reason of such transfer. Thus, the existence of a transfer or transaction attracting the statutory provision is the foundational requirement for assumption of jurisdiction under Section 170-B of the Code, 1959.

38. A careful perusal of the order dated 10.12.2014 passed by the learned Sub-Divisional Officer, Sitapur, Surguja, would indicate that the learned Sub-Divisional Officer, after considering the Surguja State Settlement records of the year 1939, the Adhikar Abhilekh and the Record of Rights pertaining to the settlement of the year 1954-55, recorded a categorical finding that the names of the petitioners' predecessors had already been entered in the revenue records during the settlement proceedings of the year 1954-55 and, therefore, the change in the revenue entries had taken place much prior to 02.10.1959. Proceeding on the said factual finding and relying upon the settled legal position that transfers effected prior to 02.10.1959 are outside the ambit of Section 170-B of the Code, 1959, the learned Sub-Divisional Officer dismissed the respondents' application by holding that the provisions of Section 170-B of the Code, 1959 were not applicable to the facts of the present case.

39. Further, a bare reading of the impugned order dated 03.03.2022 passed by the Board of Revenue would demonstrate that the Board proceeded on an altogether different premise. Instead of examining whether the case fulfilled the essential jurisdictional

requirements of Section 170-B of the Code, 1959, the Board primarily focused on the absence of a registered sale deed, gift deed, relinquishment deed or any other document evidencing lawful transfer of title in favour of the petitioners' predecessors and concluded that mere possession or mutation entries could not confer ownership. Proceeding on such reasoning, the Board affirmed the orders passed by the Collector and the Commissioner by holding that the petitioners had failed to establish a lawful source of title and, consequently, set aside the order passed by the learned Sub-Divisional Officer. The correctness and legality of the aforesaid approach adopted by the Board of Revenue is the principal issue which now falls for consideration before this Court.

40. Having bestowed anxious consideration to the rival submissions and upon a meticulous examination of the original records, this Court is of the considered opinion that the entire controversy revolves around the true scope and ambit of the enquiry contemplated under Section 170-B of the Code, 1959. A plain reading of the provision unmistakably demonstrates that the jurisdiction conferred upon the Sub-Divisional Officer is not merely to ascertain the date on which the name of a non-tribal came to be recorded in the revenue records. Rather, the statute obligates the prescribed authority to undertake a comprehensive enquiry into the manner in which a non-tribal came into possession of agricultural land which originally belonged to a member of a

Scheduled Tribe. The enquiry contemplated under Section 170-B is therefore not confined to examination of revenue entries but extends to determination of the legality of possession, the existence or otherwise of a lawful transfer, the circumstances under which the tribal was allegedly divested of possession and whether such divestment was brought about by fraud, misrepresentation or any other device defeating the protective object of the legislation. The provision being a beneficial and remedial legislation enacted for protecting members of the Scheduled Tribes from unlawful deprivation of their agricultural lands, the prescribed authority is under a statutory obligation to conduct an effective and meaningful enquiry before arriving at any conclusion. Consequently, mere reliance upon the date of mutation or the date of recording of names in the revenue records, without examining the surrounding circumstances leading to such entries, cannot satisfy the mandatory requirement of Section 170-B of the Code, 1959.

41. The legislative object behind incorporation of Section 170-B of the Code, 1959 is to restore lands unlawfully alienated from members of the Scheduled Tribes and not merely to verify the chronological sequence of revenue entries. The enquiry envisaged by the statute necessarily requires the prescribed authority to ascertain whether the tribal owner had voluntarily transferred the property by any legally recognised mode, whether the transfer had obtained the requisite statutory permission wherever necessary,

whether possession was delivered pursuant to any lawful transaction, or whether the tribal was fraudulently deprived of his land without his knowledge. Such determination can be arrived at only after affording adequate opportunity to all concerned parties to produce oral and documentary evidence, examining the relevant settlement records, calling for reports from the concerned Revenue Inspector, Patwari and other field revenue officials, inspecting the original revenue records wherever necessary and appreciating the entire material in accordance with settled principles governing quasi-judicial proceedings. The statute thus contemplates a full-fledged fact-finding exercise and not a summary disposal based merely upon historical revenue entries.

42. In the present case, this Court finds from the order dated 10.12.2014 passed by the learned Sub-Divisional Officer that the authority substantially proceeded on the premise that since the names of the predecessors of the present petitioners had come to be recorded during the settlement proceedings of the year 1954-55, which was prior to 02.10.1959, provisions of Section 170-B of the Code, 1959 stood excluded. Beyond recording such conclusion, the order does not disclose any detailed enquiry regarding the manner in which possession of the disputed land changed hands, the circumstances under which the entries in favour of the petitioners' predecessors came to be recorded, whether any enquiry was undertaken with respect to the alleged abandonment pleaded by the petitioners, or whether the

respondents had knowledge of the alleged settlement proceedings. Likewise, there is no discussion indicating that the prescribed authority examined whether the respondents or their predecessors had been dispossessed by any fraudulent means or whether the statutory presumption arising under Section 170-B of the Code, 1959 stood effectively rebutted. Thus, the enquiry undertaken by the learned Sub-Divisional Officer appears to have remained confined to the existence of pre-1959 revenue entries without addressing the wider statutory issues which necessarily arise for consideration under Section 170-B of the Code, 1959.

43. Equally significant is the fact that the record does not reveal that any comprehensive enquiry regarding actual possession of the disputed land was undertaken by the prescribed authority. No detailed report appears to have been called from the concerned revenue officials regarding continuous possession, cultivation, enjoyment of the land or the historical status of the property. There is also no indication that the parties were afforded adequate opportunity to substantiate their respective claims by producing independent evidence relating to possession, title or the nature of the alleged settlement proceedings. The proceedings under Section 170-B of the Code, 1959 undoubtedly possess summary characteristics; nevertheless, the summary nature of the proceedings does not dispense with the statutory requirement of conducting a fair and meaningful enquiry. Compliance with the principles of natural justice constitutes the

very foundation of such enquiry. Unless both the tribal claimants and the non-tribal occupants are afforded full opportunity to establish their respective cases through legally admissible evidence, any conclusion regarding lawful or unlawful possession would remain incomplete.

44. At the same time, this Court is equally unable to approve the approach subsequently adopted by the Collector, Commissioner and the Board of Revenue. The appellate and revisional authorities, instead of examining whether the enquiry conducted by the Sub-Divisional Officer satisfied the statutory requirements of Section 170-B of the Code, 1959, proceeded to determine the controversy principally on the basis that the petitioners had failed to produce any registered sale deed or other conventional document of transfer. Such an approach, in the opinion of this Court, also does not fully address the controversy involved. The petitioners have consistently pleaded that their predecessors derived rights not through any private transfer executed by the tribal landholders but through statutory settlement proceedings undertaken by the competent Settlement Authority during the year 1954-55. If such plea was raised, the authorities were required to examine the legal effect, validity and evidentiary value of the alleged settlement proceedings, the original settlement records and the statutory consequences flowing therefrom instead of treating the absence of a registered sale deed as determinative of the entire controversy. The authorities below were therefore

required to examine the entire chain of events leading to the recording of the petitioners' predecessors' names rather than confining the enquiry to the existence or non-existence of a registered conveyance.

45. It is well settled that entries in revenue records, including mutation entries, are primarily maintained for fiscal purposes and neither create nor extinguish title. Mutation merely recognises possession or facilitates collection of land revenue and by itself cannot constitute conclusive proof of ownership. Equally, however, where the entries are shown to have originated from statutory settlement proceedings conducted under the provisions of the applicable land revenue enactments, such entries cannot be brushed aside without examining the legality of the settlement proceedings from which they emanated. The real enquiry, therefore, is not whether a mutation entry exists, but whether the foundation of such entry is traceable to a lawful source recognised by law. It is this aspect which required a detailed examination by the prescribed authority under Section 170-B of the Code, 1959 before any conclusion could legitimately be recorded.

46. The principles governing such enquiry have consistently been explained by the Courts. In ***Dhirendra Nath Sharma v. State of Madhya Pradesh and another, 1985 MPLJ 786***, it was emphasised that the authority exercising jurisdiction under Section 170-B of the Code, 1959 is required to undertake an

effective enquiry into the circumstances under which possession has been obtained.

47. Likewise, in case of ***Atmaram Rohulla*** (supra), the Division Bench of Madhya Pradesh High Court has considered the scope of enquiry under Section 170-B of Code and held as under:-

> *"9. As explained in Dhirendra Nath Sharma's case even in a case governed by sub-section (2) of Section 170-B of the Code, there must be show cause notice and enquiry. In reply to show case notice, it is open to the vendee in possession to aver that his possession is by lawful authority. It must be open to him to adduce evidence in support of his contention that his possession is by lawful authority. If the Sub-Divisional Officer is satisfied on the materials before him either produced by the vendee or received from other sources that the vendee's possession is based authority, the presumption is rebutted. That is lawful the end of the operation of sub-section (2). It is important to know that the presumption has nothing to do with the aspect whether the document is obtained by fraud or other unfair means or whether the document is substantially unfair and constitutes fraudulent transaction affecting legitimate rights of the tribals. The presumption is confined only to one aspect in a narrow compass, namely, whether the possession is without lawful authority."*

48. In a decision reported in case of ***Keshabo and another v. State of M.P. and others, (1996) 7 SCC 765***, the Supreme Court has held that M.P. Land Revenue Code is a welfare legislation enacted to protect the ownership rights in the land of Scheduled Tribe and inter-alia observed as under:-

> *"4……..It is a welfare legislation made to protect the ownership right in the land of a Scheduled Tribe to effectuate the constitutional obligation of Articles 39 (b) and 46 of the Constitution read with the Preamble. Economic empowerment of a tribal to provide economic democracy is the goal. Prevention of their exploitation due to ignorance or indigency is a constitutional duty under Article 46. Agricultural land gives economic status to the tiller. Therefore, any alienation of land in contravention of the above objectives is void. It is contended that the application under Section 170 (1) should have been filed within two years from the date of sale. Since the application was not so filed, the authorities were not right in directing entertainment of the application. It is not in dispute that the authority has jurisdiction suo motu to go into the violation of the statutory provisions. Even otherwise, since it is a beneficial legislation, the authorities are bound to give effect tor constitutional policy; they are not devoid of jurisdiction, even if it is filed beyond limitation to entertain the application. It is a matter of public policy and of discretion."*

49. While considering this question, the Hon'ble High Court of Madhya Pradesh in ***Gopichand v. State of M.P., 1998 RN 103*** held as under:-

> *"6. At this stage Shri Deoras submits that the Sub-Divisional Officer being subordinate to the Collector would not be in a position to look into the correctness, validity and propriety of the order passed by the Collector under Section 165(6), therefore, in a case where the lands have been transferred with the permission of the Collector, such proceedings cannot be initiated or continued. I am unable to accept this contention. Section 170-B provides that if proper action is not taken by the transferee, then there would be presumption of fraud in favour of the a aboriginal tribe. Even in a case where a party proves that the land was purchased with the permission, the seller can still prove that the permission, the seller can still prove that the permission was obtained by playing fraud on the Collector. It is not that the correctness, validity or propriety of the permission is in question or challenge. The Sub-Divisional Officer only has to convine himself to the fact of exercise of fraud. Fraud may be exercised in a number of ways. A party may be defauded even before the application permission is moved. Permission itself may be the result of fraud or the permission may become ineffective, if certain assurances given by the transferee are not fulfilled by him*

after obtaining permission. In any case, it would be for the Sub-Divisional Officer to look into the matter."

50. Similar principles were reiterated in ***Dhanna v. Nanudi, 2001 Revenue Nirnay 16***, wherein it was observed that the enquiry contemplated under Section 170-B of the Code, 1959 cannot be reduced to a mere mechanical exercise and the authority is duty-bound to examine all relevant factual and legal aspects after granting adequate opportunity to the parties. These decisions uniformly underline that a meaningful enquiry constitutes the heart of proceedings under Section 170-B of the Code, 1959 and that the rights of either side cannot be adjudicated merely on presumptions or isolated revenue entries.

51. Tested on the touchstone of the aforesaid legal principles, this Court is of the considered opinion that neither the order passed by the learned Sub-Divisional Officer nor the orders subsequently passed by the Collector, Commissioner and the Board of Revenue comprehensively address every jurisdictional requirement contemplated under Section 170-B of the Code, 1959. While the learned Sub-Divisional Officer confined himself substantially to the existence of pre-1959 revenue entries, the appellate authorities confined themselves largely to the absence of a registered transfer document. Neither approach fully satisfies the statutory mandate requiring an enquiry into the manner in which possession was acquired, the legal source of such possession,

the effect of the statutory settlement proceedings relied upon by the petitioners, the allegation of abandonment put forward by them, and the claim of the respondents that the tribal land was unlawfully recorded in the names of non-tribals. These issues are foundational in nature and require adjudication upon appreciation of complete evidence in accordance with law.

52. Consequently, this Court is of the considered opinion that the controversy cannot be satisfactorily resolved without a comprehensive enquiry strictly in accordance with Section 170-B of the Code, 1959. Such enquiry shall necessarily include examination of the original settlement proceedings of the year 1954-55, the alleged settlement order dated 08.04.1956, the statutory character and evidentiary value of the Adhikar Abhilekh, the circumstances leading to recording of the petitioners' predecessors' names, the legality of their possession, the allegations regarding abandonment of the land by the tribal ancestors, the plea of fraudulent deprivation advanced by the respondents and all other relevant factual and legal issues arising between the parties. Needless to observe, the prescribed authority shall afford full opportunity to both sides to adduce oral as well as documentary evidence, permit cross-examination wherever permissible in law, call for all relevant original revenue records and thereafter pass a reasoned and speaking order uninfluenced by any observation made herein on the merits of the rival claims.

53. Accordingly, for the reasons recorded hereinabove, the impugned order dated 03.03.2022 passed by the Board of Revenue, Bilaspur, the order dated 09.07.2018 passed by the Commissioner, Surguja Division, and the order dated 08.03.2018 passed by the Collector, Surguja, as well as the order dated 10.12.2014 passed by the Sub-Divisional Officer, Sitapur, District Surguja, cannot be sustained and are hereby set aside. The matter is remanded to the Sub-Divisional Officer, Sitapur, District Surguja, for fresh adjudication in accordance with law. The Sub-Divisional Officer shall conduct a comprehensive enquiry strictly in terms of Section 170-B of the Code, 1959, after issuing notice to all concerned parties and affording them full and effective opportunity to adduce oral as well as documentary evidence in support of their respective claims. The prescribed authority shall call for and examine the original settlement records, Record of Rights, Adhikar Abhilekh and all other relevant revenue records, ascertain the manner in which the petitioners' predecessors came into possession of the disputed land, determine the legal effect of the alleged settlement proceedings of the year 1954-55 and the order dated 08.04.1956, if proved, examine whether there existed any lawful transfer or other legally recognised source of title, and thereafter decide whether the jurisdictional requirements of Section 170-B of the Code, 1959 are attracted to the facts of the present case. The authority shall also consider all contentions advanced by the parties uninfluenced by any observations made

by the Collector, the Commissioner, the Board of Revenue or this Court on the merits of the rival claims, except to the extent of legal principles governing the scope of enquiry under Section 170-B of the Code, 1959. Since the proceedings have remained pending for a considerable period, the Sub-Divisional Officer shall make every endeavour to conclude the enquiry and pass a reasoned and speaking order, strictly in accordance with law. The parties are directed to appear before the Sub-Divisional Officer on the date to be fixed by the said authority, and they shall extend full cooperation for expeditious disposal of the proceedings.

54. In view of the above, while disposing of the writ petition, the parties are directed to appear before the learned Sub-Divisional Officer, Sitapur, District Surguja, C.G. on 19.08.2026 without awaiting any further notice. Upon their appearance, the learned Sub-Divisional Officer shall initiate fresh proceedings and conduct a comprehensive enquiry strictly in accordance with the provisions of Section 170-B of the Code, 1959. The prescribed authority shall afford full and adequate opportunity to all concerned parties to adduce oral as well as documentary evidence in support of their respective claims, permit them to raise all contentions available in law, and consider the entire material on record objectively. The learned Sub-Divisional Officer shall thereafter pass a reasoned and speaking order, uninfluenced by any observations made in the impugned orders or in the present judgment on the merits of the rival claims, except to the extent of the legal principles

governing the scope of enquiry under Section 170-B of the Code, 1959. It is expected that the proceedings shall be concluded expeditiously, preferably within a period of six months from the date of first appearance of the parties.

55. There shall be no order as to costs.

Sd/-

(Amitendra Kishore Prasad)
Judge

Yogesh

The date when the judgment is reserved	The date when the judgment is pronounced	The date when the judgment is uploaded on the website	
		Operative	Full
03.07.2026	03.08.2026	------	03.08.2026

Head-Note

Proceedings under Section 170-B of the Chhattisgarh Land Revenue Code, 1959 require a comprehensive enquiry into the manner in which a non-tribal came into possession of tribal land, the legality of such possession and the source of title, and cannot be decided merely on the basis of pre-1959 revenue entries or the absence of a registered transfer document. Where the statutory enquiry is found to be incomplete, the matter deserves to be remitted to the competent authority for fresh adjudication in accordance with law.