



CGHC010266692021

2026:CGHC:44611

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 4112 of 2021

Nand Kumar Sahu S/o Dhola Ram Sahu Aged About 58 Years R/o Village Sarda, Tahsil Berla, District Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through Secretary, Department Of Revenue, Mahanadi Bhawan, New Raipur, Raipur Chhattisgarh., District : Raipur, Chhattisgarh

2 - Collector Bemetara, District Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh

3 - The Naib Tahsildar Tahsil Berla, District Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh

4 - Tungu S/o Dhola Ram Aged About 60 Years R/o Village Sarda, Tahsil Berla, District Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh

... Respondent(s)

For Petitioner : Mr. Anshit Singh Hora, Advocate on behalf

of Mr. Ravindra Sharma, Advocate

For Respondent/State : Mr. Anmol Sharma, PL

Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

15.10.2026

1. The petitioner has filed this petition with the following reliefs:-

“ 10.1 That this Hon'ble court may kindly be pleased to issue a writ of MANDAMUS directing the respondent No.3 not to dispossess the petitioner from his possession of land..

10.2 That this Hon'ble court may kindly be pleased to direct the respondent No.3 to demarcate the land through revenue authority in presence of the petitioner and then only proceed further accordance with law..

10.3. Any other relief/reliefs which this Hon'ble Court may think fit and proper in the facts and circumstances of the case, with the cost of the petition, may also please be granted to the petitioner.”

2. Learned counsel appearing for the petitioner submits that the petitioner has challenged the order of removal dated 27.09.2021 passed by respondent No. 3. He submits that certain proceedings were initiated against the petitioner behind his back, culminating in the passing of the impugned order, without his knowledge and without affording him an opportunity of hearing. It is, therefore, contended that the impugned order of removal has been passed in violation of the principles of natural justice and is not sustainable in the eyes of law.

3. Learned counsel appearing for the State submits that the petitioner had duly appeared in the proceedings, as is evident from the e-order sheet available on the web portal. Upon perusal of the said order sheet, it appears that the proceedings were initiated on 28.06.2021 and that the petitioner- Nand Kumar Sahu, appeared on 11.08.2021, 23.08.2021 and 16.09.2021, on which dates relevant orders were also passed. It further appears that the petitioner along with other persons, had sought time on the assurance that they would remove the encroachments made by them. Learned counsel further submits that the other two persons, namely, Tungu Sahu and Yushuf Ali have already removed their respective encroachments, however, the petitioner has failed to remove the encroachment made by him. Consequently, notice was issued to the petitioner in accordance with the procedure adopted in the proceedings.
4. Having heard learned counsel for the parties and perused the documents available on record, it appears that the contention of the petitioner that he has not been afforded an opportunity of hearing is incorrect, as the petitioner appeared before the concerned authority, where the proceedings were conducted and orders were passed. The petitioner has not challenged the said order before the appropriate forum and has directly filed this petition on the ground that he has not been served with any notice. Considering the aforesaid aspect of the matter, this petition is disposed of with a direction to the petitioner to file an appropriate

appeal, revision, etc., before the concerned authority against the relevant order passed by the Naib Tahsildar, Tahsil Berla, District Bemetara (C.G.), **within a period of 15 working days** from today. Till the expiry of the aforesaid period, the interim order dated 06.10.2021 passed by this Court shall remain in operation.

5. With this observation and direction, this petition stands disposed of.

SD/-

(Amitendra Kishore Prasad)
Judge

AMIT PATEL