



CGHC010287682026

2026:CGHC:37457

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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 3892 of 2026

Mithlesh Choube S/o Umapti Choube Aged About 44 Years R/o-
Radhika Nagar, Infront Of Dulhan Fancy Store Kohka Supela, District-
Durg (C.G.)

... **Petitioner(s)**

versus

- 1** - Senani First Battalion Chhattisgarh Armed Forces Bhilai, Tahsil And District- Durg (C.G.)
- 2** - State Of Chhattisgarh Through- Collector Durg, District- Durg (C.G.)
- 3** - Additional Tahsildar Durg Court Of Nayab Tahsildar Durg- 02, District- Durg (C.G.)
- 4** - Maal Jamadar Durg Tahsil Office Durg, District Durg (C.G.)
- 5** - Sub-Divisional Officer (Revenue) Durg, District- Durg (C.G.)
- 6** - Competent Authority Chhattisgarh Lok Parisar Bedakhali Adhikari Durg, District- Durg (C.G.)

... **Respondent(s)**

For Petitioner(s) : Mr. Navin Shukla, Advocate

For Respondent(s) : Mr. Amit Nayak, PL

Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

20/08/2026

1. The petitioner has filed this writ petition against action of respondents authorities of sealing and locking of the shops of petitioner without following due process of law and without initiating any proceedings of eviction of petitioner from the premises which was rented to petitioner through rent agreement executed between parties and seeking the following reliefs:-

“ 10.1 That, this Hon'ble Court may kindly be pleased to call for the entire record concerning the case of the petitioner from the respondent authorities for its kind perusal.

10.2. That this Hon'ble Court may kindly be please to quash the impugned notice dated 03.06.2026 and permit the petitioner to run the business in his respective shop till he is duly and legally evicted in accordance with law.

10.3 Any other relief or relief(s) which this Hon'ble Court may deem fit or proper in the facts and circumstances of the case.”

2. Facts relevant for disposal of this writ petition is that petitioner has been given shops on rent situated at Katulboard near petrol pump which is under the ownership of respondent No. 1. Rent agreement was also executed dated 01.03.2017 between parties. Respondent No. 1 issued letter to the Collector for initiating proceedings against petitioner under Chhattisgarh Public

Premises (Eviction) Act, 1974 (hereinafter referred as "the Act of 1974"). Petitioner was served with a show cause notice under Section 4 (1) of the Act of 1974 on 05.02.2021. Petitioner submitted reply mentioning that civil suit is filed by him which is pending before 7th Civil Judge, Class II, Durg. Civil suit came to be dismissed vide judgment and decree dated 10.10.2023. After receipt of reply, competent authority, under the Act of 1974, closed the proceedings vide its order dated 12.01.2024, recording that against subject matter of proceedings, civil suit is pending consideration. First appeal filed by petitioner also came to be dismissed. Nayab Tahsildar, Durg issued eviction warrant on 01.03.2024 mentioning that Civil Court has passed an order on 10.10.2023 of evicting petitioner / non-applicant therein and in compliance of order passed by 2nd Additional District Judge dated 28.02.2024, after evicting non-applicant therein / petitioner herein, compliance report be submitted. Objection raised by petitioner was dismissed on 05.03.2024 by Additional Tahsildar. Panchnama was prepared and thereafter, shops given to petitioner was sealed and in the panchanma, it is recorded that possession has been handed over to respondent No. 1. It is against this action, this writ petition is filed.

3. Learned counsel for petitioner submits that proceedings initiated on the letter of respondent No. 1 by respondent No. 3 & 4 is absolutely without jurisdiction and without any authority of law. He contended that shops, which was given to petitioner on rent, was

owned by respondent No. 1 which is a Government Agency. If for any reason, petitioner was possessing shop unauthorizedly, after determining of rent agreement, petitioner ought to has been evicted only following due process of law. Respondent No. 1 initially taken recourse of the Act of 1974, accordingly, proceedings were initiated by Sub-Divisional Officer (Revenue), the competent authority, however, on 12.01.2024, competent authority recorded that on similar subject case is pending before Civil Court, Durg and therefore, it will not be appropriate to continue with the proceedings and case was filed. The civil suit filed by petitioner though dismissed as also the appeal, however, there is no judgment or decree or any other order, in favour of respondent No. 1 and against petitioner for his eviction. Dismissal of civil suit or appeal filed by petitioner will not automatically give right to respondent Nos. 1 to 5 get evicted the shop given on rent to petitioner without following due process of law and therefore, action on the part of respondents in taking forceful possession and sealing shop is per se illegal and arbitrary, hence, respondents be directed to restore possession of shop given on rent to petitioner vide rent agreement dated 01.03.2017. Learned counsel for the petitioner further submits that the petition i.e. WPC No. 1729/2024 & WPC No. 1854/2024, filed by the similarly situated person have been allowed by this Hon'ble Court against which an appeal bearing Writ Appeal No. 812/2024 was preferred

by the State which has also been rejected by the Division Bench of this Hon'ble Court.

4. Learned State counsel opposes the submission made by learned counsel for petitioner and would submit that suit filed for declaration and injunction by petitioner came to be dismissed. Appeal filed also came to be dismissed. It is submitted that claim of petitioner is that respondent No. 1 has handed over possession of shop, subject matter of writ petition, on lease, however, respondent No. 1 is not having any authority to give shop owned by State Government on rent. Document Annexure-P/1 is void-ab-initio. It is submitted that initially, respondent No. 1 issued notice on 29.09.2018, due to pendency of civil suit filed by petitioner, proceedings under notice Annexure - R/1 dated 29.09.2018 remain suspended. After dismissal of suit vide judgment and decree dated 10.10.2023 application was submitted before the Tahsildar by respondent No. 1 to get shops vacated as civil suit has been dismissed. Accordingly, Tahsildar took possession of shops and handed over to respondent No. 1 and panchnama was prepared. It is submitted that commodities / articles / goods which was kept in the shops has not been disturbed. Apart from one lock of petitioner, another lock of respondent has also been put by respondent no. 1. There is no error or illegality or arbitrariness on the action of respondents.
5. I have heard learned counsel for respective parties and also perused documents annexed along with this writ petition.

6. It is not in dispute that petitioner was put in possession by respondent No. 1 by executing rent agreement of shop. The petitioner has also placed rent agreement dated 01.03.2017 (Annexure-P/2). Though respondent / State has made an attempt to say that respondent No. 1 is not having any authority to give shop of State Government on rent, nonetheless, the fact is not in dispute that respondent No. 1, after entering into agreement, put petitioner in possession of shop subject matter of writ petition. Petitioner is in permissive possession. Respondent No. 1 is one of the authority under the State Government and therefore, if for any reason, the petitioner/tenant is required to be evicted from tenanted premises, it is for the respondents to initiate appropriate proceedings in accordance with law. Documents placed along with this writ petition would show that initially, respondent No. 1 has initiated proceedings under the Act of 1974 of eviction from public premises. Based on the application submitted by respondent No. 1, competent authority registered case under the Act of 1974, issued notice under Section 4 of the Act of 1974 to non-applicants therein /petitioner herein on 05.02.2021. In the proceedings dated 22.03.2021, it is recorded that Presiding Officer was transferred and thereafter, order-sheet was recorded only on 12.01.2024. On the said date, proceedings was closed recording that, on same subject matter civil suit filed is pending consideration. From the order-sheet, which is available in writ petition would show that though proceedings under the Act of 1974 was initiated for

eviction of petitioner from shop / public premises, however, it was not concluded but closed taking note of pendency of civil suit. Civil suit, which was filed by petitioner for declaration and permanent injunction, in which, respondent No. 1 was defendant. Civil suit came to be dismissed. Appeal filed also came to be dismissed but, dismissal of civil suit filed by petitioner will not give any right to respondent No. 1 to initiate proceedings of eviction only on the basis of dismissal of civil suit when petitioner was in permissive possession as tenant based on rent agreement executed by respondent No. 1.

7. Document which is filed by respondent State would show that respondent No. 1, after dismissal of civil suit, wrote letter to Tahsildar to get shop vacated as civil suit filed by petitioner was dismissed and based on the said letter, the Tahsildar registered revenue case, initiated proceedings and sealed shops given on rent to petitioner and handed over the same to respondent No. 1, which, in the opinion of this court, is *per se* without authority of law. It appears that the Tahsildar can execute any order or judgment or decree of any competent authority or Court of Law. No such order of eviction against petitioner is passed by competent authority or any judgment and decree by Court of competent jurisdiction in favour of respondent No. 1. The action on the part of respondents of forcefully sealing shop rented to petitioner is *per se* arbitrary, illegal and therefore, not sustainable in the eyes of law.

8. For the foregoing discussions, writ petition is allowed.

Respondents are directed to unseal the shop and hand over possession of shop to petitioner, expeditiously preferably within a period of three days from the date of receipt of this order. However, respondent No. 1 or the State will be at liberty to take recourse to law for getting evicted petitioner from rented shop as available under law.

SD/-

(Amitendra Kishore Prasad)

Judge

AMIT PATEL