



CGHC010289602026



2026:CGHC:37549

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 4364 of 2026

- 1** - Rajkumar Dubey S/o Late Suresh Chandra Dubey Aged About 67 Years R/o Village Usur, Tehsil Usur, District Bijapur Chhattisgarh
- 2** - Jagdish Dubey S/o Late Suresh Chandra Dubey Aged About 65 Years R/o Village Usur, Tehsil Usur, District Bijapur Chhattisgarh
- 3** - Shravan Dubey S/o Late Suresh Chandra Dubey Aged About 63 Years R/o Village Usur, Tehsil Usur, District Bijapur Chhattisgarh
- 4** - Shiv Dubey S/o Late Suresh Chandra Dubey Aged About 60 Years R/o Village Usur, Tehsil Usur, District Bijapur Chhattisgarh
- 5** - Harish Dubey S/o Late Suresh Chandra Dubey Aged About 58 Years R/o Village Usur, Tehsil Usur, District Bijapur Chhattisgarh

... Petitioner(s)

versus

- 1** - State Of Chhattisgarh Through The Secretary, Revenue And Disaster Management Department, Mantralaya, Naya Raipur, District Raipur Chhattisgarh
- 2** - The Collector District Bijapur Chhattisgarh
- 3** - The Sub-Divisional Officer (Revenue) Usur, District Bijapur Chhattisgarh
- 4** - The Tehsildar, Usur District Bijapur Chhattisgarh.

... Respondent(s)

(Cause-title taken from Case Information System)

For the Petitioners	:Mr. Ramakant Pandey, Advocate
For the State	:Dr. Arham Siddiqui, PL
	:

Hon'ble Shri Amitendra Kishore Prasad, Judge

Order on Board

21.08.2026

1. Petitioners have filed this petition seeking following reliefs:

“10. Reliefs Sought:

10.1. To call for the records of the case for the kind perusal of this Hon'ble Court.

10.2. To issue an appropriate writ/order/direction, including a writ of Certiorari, to quash the Impugned Order dated 02.01.2026 passed by Respondent No. 3 in Case No. 202501180900005/B-121, and the consequential execution directive dated 30.03.2026 issued by Respondent No. 4.

10.3. To issue an appropriate writ/order/direction, including a writ of Mandamus, directing the Respondents to restore the Petitioners' names as recorded Bhumiswamis in the revenue records over Khasra No. 389/3, Village Usur, Tehsil Usur, District Bijapur.

10.4. To issue an appropriate writ/order/direction directing the Respondents to either hand over vacant and peaceful possession of the encroached 1.5 acres presently under the helipad/playground, or to grant just compensation/land exchange to the Petitioners for the same, and to lift the restrictions on cultivation of the remaining land.

10.5. Any other relief deemed fit in the facts and circumstances of the case may also be granted.”

2. Brief facts of the case, as projected by the petitioners are that instant writ petition has been filed by the petitioners challenging the illegal, arbitrary and jurisdictionally erroneous order dated 02.01.2026 passed by the Sub-Divisional Officer (Revenue),

whereby the petitioners' decades-old recorded *Bhumiswami* rights in respect of land bearing Khasra No.389/3, admeasuring 2.023 hectares, situated at Village Usur, Tehsil Usur, District Bijapur (Chhattisgarh), have been summarily extinguished and said land has been declared to be Government land under Section 115 of the Chhattisgarh Land Revenue Code, 1959. The petitioners have been seriously prejudiced thereby, as, apart from the unlawful extinguishment of their title, a portion of the very same land, measuring approximately 1.5 acres, was forcibly occupied by the police in the year 2005, without acquisition or payment of compensation, for construction of a helipad and playground. The petitioners were further coercively restrained from cultivating the remaining portion of the land during the period from 2003–04 to 2024–25. The petitioners had approached the District Collector, Bijapur, as well as the higher revenue authorities, seeking redressal of their grievances and/or exchange of the land. However, instead of granting the relief sought, the authorities initiated a summary inquiry, which ultimately culminated in the impugned order and the consequential directive dated 30.03.2026 for deletion of the petitioners' names from the revenue records, as more particularly set out in the accompanying list of dates and events. Despite the petitioners' clear and continuous title over the land, the respondent authorities have failed and refused to act in accordance with law. Hence, the present writ petition.

3. Learned counsel appearing for the petitioners submits that the concerned Sub-Divisional Officer (Revenue) did not have jurisdiction to pass the order cancelling the Patta granted in favour of the petitioners. The petitioners have directly challenged the order passed by the Tahsildar on the ground that the said authority lacked jurisdiction. In view of the jurisdictional defect, the petitioners have approached this Court seeking the aforesaid reliefs.
4. Learned counsel appearing for the respondent/State submits upon instructions of the concerned Sub-Divisional Officer (Revenue), an inquiry/investigation was conducted, wherein it was found that the Patta granted in favour of the petitioners had not been granted in accordance with law. Thereafter, pursuant to the instructions of the concerned Collector and in exercise of the power delegated by the concerned Commissioner, the concerned Sub-Divisional Officer (Revenue) passed the impugned order. Therefore, even if the order was passed by the concerned SDO (Revenue), the same would be treated as an order passed by the Collector. Being aggrieved by the said order of the SDO (Revenue), the petitioners ought to have approached the competent authority by filing an appeal/revision in accordance with law, however, the petitioners have failed to avail such alternative remedy and have directly approached this Court by filing the present writ petition.
5. Heard learned counsel for the parties and perused the writ petition, including the other material and documents available on

record.

6. Having heard learned counsel for the parties, perused the writ petition including relevant portion of old revenue circular, it appears that in matters relating to the grant or cancellation of Patta, the authorities before whom such matters are required to be considered have already been specified therein, as such, petitioners are required to approach the appropriate competent authority for redressal of their grievance.
7. Accordingly, the petitioners are granted liberty to avail such alternative statutory remedy in accordance with law, if they are aggrieved by the order whereby their Patta in respect of the subject land has been cancelled.
8. The concerned Commissioner is directed to consider the application filed under Section 5 of the Limitation Act in accordance with law. While considering the said application, the Commissioner shall also take into consideration the submission advanced on behalf of the petitioners that the impugned order was passed behind their back and without affording them an opportunity of hearing.
9. With the above observation/direction, writ petition stands disposed of.

CC as per rules.

Sd/-
(Amitendra Kishore Prasad)
Judge

J.