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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 4148 of 2022

1 - Ku. Niloo Nirmalkar D/o Late Milap Nirmaklar, Aged About 25 Years
R/o Naya Para Ward No. 11, Sirgitti, Police Station Sirgitti, District
Bilaspur Chhattisgarh, Presently R/o Near Naya Thana, Indira Para,
Bhilai -3,, District : Durg, Chhattisgarh

2 - Kishan Lal Nirmalkar S/o Late Milap Nirmaklar, Aged About 30 Years
R/o Naya Para Ward No. 11, Sirgitti, Police Station Sirgitti, District
Bilaspur Chhattisgarh, Presently R/o Near Naya Thana, Indira Para,
Bhilai -3,, District : Durg, Chhattisgarh

... Petitioners

versus

1 - State Of Chhattisgarh Through The Secretary, Revenue Department
Mantralaya Mahanadi Bhawan, Atal Nagar, Nawa Raipur,, District :
Raipur, Chhattisgarh

2 - The Collector, Bilaspur,, District : Bilaspur, Chhattisgarh

3 - The Superintendent Of Police, Bilaspur,, District : Bilaspur,
Chhattisgarh

4 - Sub Divisional Officer, (Revenue) Bilaspur,, District : Bilaspur,
Chhattisgarh

5 - Tahsildar, Officer Of Tahsildar, District : Bilaspur, Chhattisgarh

6 - Ravi Shankar Rajak @ Monu Rajak S/o Premulal Rajak, R/o Sirgitt
Police Station Sirgitti, Tahsil And, District : Bilaspur, Chhattisgarh

7 - Gourishankar @ Sonu Rajak S/o Premulal Rajak, R/o Sirgitt Police
Station Sirgitti, Tahsil And, District : Bilaspur, Chhattisgarh

... Respondents

(Cause-title taken from Case Information System)

For Petitioners	:	Mr. S.B. Pandey, Advocate
For Respondents No.1 to 5/State	:	Mr. Shobhit Mishra, Dy. G.A.
For Respondents No.6 & 7	:	Mr. Sumit Verma, Advocate

Hon'ble Shri Amitendra Kishore Prasad, Judge

Order on Board

11.09.2026

1. By filing the present writ petition, the petitioners seek a direction to the respondent authorities to take appropriate action against respondent Nos.6 and 7 for allegedly encroaching upon the land belonging to the petitioners' late father, situated at Sirgitti, Ward No.11, Nayapara Sirgitti, Patwari Halka No.41, RNM and Police Station Sirgitti, Tahsil and District Bilaspur, bearing Khasra No.675/3, admeasuring 227 square feet. The petitioners have also prayed for a direction to the respondent authorities to remove the alleged encroachment made by respondent Nos.6 and 7 over the said land. The petitioners have prayed for following relief(s):-

“10.1 That, this Hon'ble Court may kindly be pleased to call for entire records pertaining to the case of petitioner for kind perusal of this Hon'ble court.

10.2 That, this Hon'ble Court may kindly be pleased to issue a writ in the nature of mandamus directing the respondents to remove the encroachment of the respondent

No. 6 & 7 from the land belonging to father of the petitioners.

10.3 Any other relief, which may be deemed, fit by this Hon'ble Court just and proper in the facts and circumstances of the case may also be provided in favour of the petitioner.”

2. Learned counsel appearing for the petitioners submits that the petitioners are not assailing any particular order passed by the respondent authorities, but are aggrieved by the inaction on the part of the concerned authorities in taking appropriate action against the alleged illegal acts of respondent Nos.6 and 7. It is submitted that the land in question was in possession of the petitioners' late father, namely, Milap Nirmalkar, and an Abadi Patta in respect thereof was granted in his favour by the Collector, Bilaspur, under the Government Scheme in the year 2017-18. Learned counsel further submits that after the death of the petitioners' father on 08.01.2019 and thereafter their mother on 24.06.2021, the petitioners, owing to financial difficulties, had shifted to Bhilai for their livelihood. During their absence, the house standing over the land in question fell into disrepair. When the petitioners thereafter returned to the property with an intention to secure and construct a boundary wall over the said land, they found that respondent Nos.6 and 7, who are their adjoining neighbours, had allegedly dumped waste material over the land and were using the same for parking their vehicles.

3. Learned counsel for the petitioners further submits that although, initially, the petitioners had permitted respondent Nos.6 and 7 to use the land temporarily for parking their vehicle, when the petitioners requested them to vacate the land and remove the waste material, respondent Nos.6 and 7 allegedly misbehaved with and threatened the petitioners with serious consequences. It is submitted that despite the petitioners having approached the concerned authorities and having made personal as well as written complaints seeking removal of the alleged encroachment, no effective action has been taken. Hence, the present writ petition has been filed seeking appropriate relief from this Court.
4. Per contra, learned State counsel, as well as learned counsel appearing for respondent Nos.6 and 7, opposes the submissions made on behalf of the petitioners. It is submitted that the dispute raised by the petitioners essentially relates to possession and alleged encroachment over the land in question and, therefore, the same is required to be considered by the competent revenue authority in accordance with the provisions of law. It is further submitted that the petitioners have an efficacious remedy available before the competent revenue Court and, therefore, the writ petition may not be entertained directly by this Court.
5. I have heard learned counsel for the parties and have perused the material available on record.

6. Looking to the nature of the dispute reflected from the pleadings in the writ petition as well as the relief clause, it appears that the grievance of the petitioners essentially relates to alleged encroachment over the land in question and the consequential relief of removal thereof. Such a dispute is required to be examined by the competent revenue authority on the basis of the relevant revenue records and other material placed by the respective parties. The petitioners, therefore, may avail the appropriate remedy by filing an appropriate application before the competent revenue Court seeking relief under Section 250 of the Chhattisgarh Land Revenue Code, 1959, or under any other applicable provision of law.
7. It is accordingly observed that, in the event the petitioners file an appropriate application before the competent revenue authority seeking redressal of their grievance, the said authority shall consider and decide the same in accordance with law, after affording due opportunity of hearing to all the concerned parties.
8. Considering the fact that the present writ petition has been pending before this Court since the year 2022, the competent authority, in case an appropriate application is filed by the petitioners, shall take note of the aforesaid fact and make all endeavour to consider and decide the said application expeditiously, preferably within a period of 90 days from the date of filing of such application.

9. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioners or the defence of respondent Nos.6 and 7. The competent authority shall consider the application independently, on its own merits, in accordance with law and on the basis of the material available before it.
10. With the aforesaid liberty and directions, the present writ petition stands disposed of.

Sd/-

(Amitendra Kishore Prasad)
Judge

Yogesh