

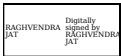


CGHC010308072026



2026:CGHC:38966

NAFR



HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 4500 of 2026

1 - Gaindlal Sinha S/o Late Thakur Ram Sinha, Aged About 60 Years
R/o Village Tarighat Tehsil Patan District Durg (C.G.).

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through The Secretary Revenue Department
Mahanadi Bhawan Atal Nagar Naya Raipur, Tehsil And District - Raipur
(C.G.)

2 - The Collector Durg, Tehsil And District Durg (C.G.)

3 - The Tehsildar Patan District Durg (C.G.)

4 - The Sub Divisional Officer (Revenue) Patan District Durg (C.G.)

5 - Gram Panchayat Tarighat Through Secretary Tehsil Patan District -
Durg .

... Respondent(s)

For Petitioner(s)	:	Mr. Avinash Chand Sahu, Advocate.
For Respondent(s)/State	:	Mr. Shobhit Mishra, Dy. G.A. and Mr. Abhyudhay Tripathi, Panel Lawyer.

Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

03/09/2026

1. Today, the matter is listed for orders on default.
2. Learned counsel for the petitioner submits that the default as pointed out by the Registry has already been removed.

3. By way of this petition, the petitioner has prayed for following reliefs:-

“10.1 Issue an appropriate writ, order or direction quashing and setting aside the eviction warrant/order dated 14.07.2026 passed by the learned Tehsildar, Patan, District Durg, being illegal, arbitrary and contrary to law.

10.2 Issue an appropriate writ, order or direction commanding the respondents not to dispossess the petitioner from the land bearing Survey No.482/1, admeasuring 1.55 acres, situated at Village Tarighat, Tahsil Patan, District Durg, except in accordance with due process of law.

10.3 Issue an appropriate writ, order or direction directing the respondent authorities to give due effect to and strictly comply with the orders passed by the learned Sub-Divisional Officer (Revenue), the learned Collector, Durg, 18.3.2025 and the order dated 11.08.2025) passed by this Hon'ble Court in WPC No.1447 of 2025, by undertaking a fresh adjudication strictly in accordance with law, if so advised.

10.4 Pending final disposal of the present writ petition, kindly stay the operation, implementation and execution of the impugned eviction warrant/order dated 14.07.2026 and restrain the respondents from interfering with the peaceful possession of the petitioner over the subject land.

10.5 Award the costs of the present writ petition in favour of the petitioner.

10.6 Grant any other writ, order or direction which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”

4. Learned counsel appearing for the petitioner submits that the impugned eviction warrant/order dated 14.07.2026 has been issued against the petitioner in respect of land bearing Khasra No. 482/1, admeasuring 0.62 hectares, which has been treated as land falling within the purview of the Ceiling Act. He further submits that, in respect of the very same property, a civil suit is already pending before the competent Civil Court and, therefore, the impugned eviction warrant/order has been issued without duly considering the pendency of the aforesaid civil proceedings and is, accordingly, not sustainable in law. Learned counsel further submits that the petitioner has not yet submitted any reply or objection to the impugned eviction warrant/order.
5. On the other hand, learned counsel appearing for the respondent/State opposes the prayer made on behalf of the petitioner and submits that the impugned eviction warrant/order dated 14.07.2026 has been issued strictly in accordance with law and on the basis of the material available before the competent authority. It is, therefore, contended that the impugned order does not warrant any interference by this Court at this stage.
6. I have heard learned counsel for the parties and have carefully

perused the material available on record.

7. Having considered the submissions advanced by learned counsel for the parties and having regard to the facts and circumstances of the case, this Court is of the considered view that an opportunity deserves to be afforded to the petitioner to place all relevant facts and grounds before the competent authority. Accordingly, the petitioner is directed to submit a detailed reply/objection to the impugned eviction warrant/order dated 14.07.2026, specifically incorporating therein all the grounds and factual aspects raised in the present petition, including the factum of pendency of the civil suit in respect of the very same property. Upon receipt of such reply/objection, the concerned Tahsildar/competent authority shall consider the same objectively and in accordance with law, particularly keeping in view the pendency of the aforesaid civil proceedings, and shall thereafter pass a reasoned and appropriate order on the petitioner's representation.
8. The petitioner shall submit his reply/objection to the impugned eviction warrant/order dated 14.07.2026 within a period of 10 days from the date of receipt of a certified copy of this order. Upon receipt of the said reply/objection, the concerned respondent authorities/competent authority shall consider and decide the same, by passing a reasoned and speaking order, strictly in accordance with law, as expeditiously as possible, preferably within a period of 45 days.
9. Till 45 days no coercive steps shall be taken against the petitioner

pursuant to the impugned eviction warrant/order dated 14.07.2026.

10. With this observation and direction, the writ petition is **disposed of**.

Sd/-

(Amitendra Kishore Prasad)
Judge

Raghu Jat