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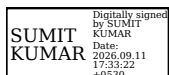


2026:CGHC:39578

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WP227 No. 1165 of 2026



1 - Tulsiram S/o Premlal Aged About 45 Years Caste-Teli, R/o Gram Rahud, Tahsil- Gunderdehi, District- Balod, (C.G.)

2 - Dinesh Kumar S/o Late Netram Aged About 62 Years Caste-Teli, R/o Gram Rahud, Tahsil- Gunderdehi, District- Balod, (C.G.)

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through Additional Collector, Balod District- Balod, (C.G.)

2 - Tehsildar Gunderdehi, District- Balod, (C.G.)

3 - Sub Divisional Officer Gunderdehi, District- Balod, (C.G.)

4 - Commissioner Durg Division, District- Durg, (C.G.)

5 - Govind Singh S/o Karan Singh Aged About 38 Years R/o Gram Rahud, Tahsil Gunderdehi, District- Balod, (C.G.)

6 - Chetanlal Sahu S/o Channu Ram Sahu Aged About 47 Years R/o Gram Rahud, Tahsil Gunderdehi, District- Balod, (C.G.)

7 - Yashoda Bai Sahu W/o Khomlal Aged About 38 Years R/o Gram Rahud, Tahsil Gunderdehi, District- Balod, (C.G.)

8 - Rewaram Sahu S/o Pardesiram Sahu Aged About 55 Years R/o Gram Rahud, Tahsil Gunderdehi, District- Balod, (C.G.)

9 - Fattelal S/o Gajadhar Sahu Aged About 55 Years R/o Gram Rahud, Tahsil Gunderdehi, District- Balod, (C.G.)

... Respondent(s)

For Petitioner(s) : Mr. Rohan Kumbhare, Advocate

For Respondent(s) : Mr. Malay Jain, P.L. for the State

(Hon'ble Shri Justice Ravindra Kumar Agrawal, J.)

Order on Board

09/09/2026

1. Heard.
2. Present is a writ petition under Article 227 of the Constitution of India filed by the petitioner against the impugned order dated 28.07.2026 passed by Commissioner, Durg Division in Case No.153/A-5/2025-26 whereby the revision filed by the respondents No.5 to 9 was allowed and the order dated 23.01.2026 passed by the Additional Collector, Balod has been set aside and the matter was remitted back to the Appellate Court for its fresh adjudication within three months.
3. Learned counsel for the petitioner would submit that the matter pertains to correction of the revenue records as the Nayab Tehsildar, Gunderdehi vide its order dated 18.07.2024 corrected the revenue record in settlement records and the land of Khasra No.147, area 2.47 hectare, which was recorded in the name of ancestors of the petitioners in the misal record of 1929–30 as under water. After the settlement, the old Khasra No. 1611 and 101 has been re-numbered as Khasra No.147 and in the present revenue record, it was recorded as "nala" whereas since 1933–34, it was recorded in the revenue records as "talab". Before the settlement, the land was shown to be recorded in the name of one Narayan. However, after the settlement, it was recorded as government land for which an application was filed for correction of record, which was allowed by the Nayab Tehsildar, Gunderdehi and

directed to correct the revenue record in the name of the petitioners, who are the legal heir of Narayan. In the appeal filed before the Additional Collector, the same was allowed and the order passed by Nayab Tehsildar was set aside, however, the second revision filed before the Commissioner, Durg Division, the same was allowed, the order passed by the Additional Collector, Balod has been set aside and the matter was remitted back to the Appellate Court for fresh adjudication within three months after providing opportunity of hearing to the parties concerned. He would further submit that the Additional Collector, Balod has not considered the revenue records in its right perspective and came into an erroneous conclusion, therefore, the impugned order may be set aside and the order of the Nayab Tehsildar, Gunderdehi may be restored.

4. I have heard learned counsel for the petitioner and perused the documents annexed with the petition.
5. From perusal of the order passed by the Commissioner, Durg Division, it transpires that there are various disputed facts involved in the present case with respect to the mutation of the names of ancestor of the petitioners or the nature of the land, further the re-numbering of the land. The enquiry report has also been called by the Nayab Tehsildar, and thereafter, the order was passed on 18.07.2024, while exercising its jurisdiction under Section 89 of the Chhattisgarh Land Revenue Code, 1959. It further transpires that the Commissioner, Durg Division has also considered the misal record of 1929–30, 1933–34 and observed that the subject land of Khasra No.1611, area 6.79 acre was recorded as under water (talab) and it was the nistari talab. It has also

been observed that the petitioners have not annexed any document with respect to their entitlement over the subject land and the Nayab Tehsildar without providing proper opportunity of hearing to the concerned villagers, who were having nistari rights over the said talab and by setting aside the order passed by the Additional Collector, the matter was remitted back to the Appellate Court for its fresh adjudication.

6. Be that as it may, since the Commissioner, Durg Division, has already directed the Appellate Court, that is, the SDO (Revenue), Gunderdehi, to decide the appeal afresh, on its own merits and in accordance with law, within a period of three months, after affording due opportunity of hearing to all concerned parties, this Court is of the considered opinion that it would not be appropriate to examine the disputed questions of fact in the present proceedings.
7. Accordingly, the present writ petition is **dismissed** with liberty to the petitioners to approach before the Appellate Court, that is, SDO (Revenue), Gunderdehi and to contest their claim before there. The SDO, Gunderdehi is directed to decide the case in accordance with law on its own merits after providing opportunity of hearing to the parties concerned within three months, as has been directed by the Commissioner, Durg Division.

Sd/-
(Ravindra Kumar Agrawal)
JUDGE