



CGHC010325072024

2026:CGHC:35577

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 4837 of 2024

Shambhu Jaiswal S/o. Sankta Jaiswal Aged About 50 Years R/o. Near Shani Mandir, Namnakala Ambikapur, Tahsil - Ambikapur, District - Sarguja (C.G.)

... Petitioner(s)

versus

- 1 - State Of Chhattisgarh Through Secretary, Ministry Of Revenue And Disaster Management, Mantralaya, Mahanadi Bhawan, Atal Nagar Nawa Raipur (C.G.)**
- 2 - Collector Ambikapur, District - Sarguja (C.G.)**
- 3 - Tahsildar Najul Officer, Ambikapur, District - Sarguja (C.G.)**

... Respondents

(Cause title is downloaded from CIS Periphery.)

For Petitioner : Mr. Virendra Verma, Advocate.

For State/Respondents: Dr. Sourabh Kumar Pande, Dy. A.G.

Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

12.08.2026

1. The petitioners have filed the instant petition for following reliefs:-

“10.1 That, the Hon'ble Court may kindly be pleased to call for the records pertaining to the petitioner and the respondents from the court below.

10.2 That, the Hon'ble Court may kindly be pleased to pass an order to quash/set-aside the order dated 05.08.2024 and order dated 04.09.2024 and further be pleased to pass an order directing the respondent No.2 to pass appropriate order regarding grant of ownership right over the encroached government land possessed by the petitioner and all the formalities have been completed and the amount has been paid as per demand of the department.

10.3 That, the Hon'ble Court may kindly be pleased to issue a writ in the nature of mandamus directing to complete formalities of settlement by giving the ownership right over the land bearing Plot No. 243/1 to the petitioner and also restrained the revenue authorities to take step in furtherance of eviction order dated 04.09.2024.

10.4 That, cost of the petition may be awarded to the petitioner by the respondent authorities.

10.5 Any other relief which the Hon'ble Court may deem fit, in the interest of justice.

2. Learned counsel for the petitioner submits that, on the basis of the Circular dated 11.09.2019 issued by the State Government, the petitioner deposited the amount for grant of lease as per the directions issued by the State Government. The lease rent amount of Rs.14,81,192/- has already been deposited by the petitioner through challan in the State Bank of India, Ambikapur. At the relevant point of time, the Circular dated 11.09.2019 was in force; however, no action has been taken in pursuance thereof. The petitioner is in possession of the property in question. Subsequently, an order dated 04.09.2024 (Annexure P/1) has been passed for eviction of the petitioner, stating that the earlier Circular dated 11.09.2019 has been withdrawn vide order dated 23.07.2024 and, as such, the petitioner is required to vacate the premises in his possession. Learned counsel for the petitioner further submits that the petitioner has been in possession of the property in dispute for the last 20 years and has constructed a house thereon. He has already deposited a substantial amount of Rs.14,81,192/- for grant of patta when the aforesaid Circular was in force. However, subsequently, the said Circular was withdrawn. It is therefore, submitted that the petitioner is required to be protected and the authorities may be directed to pass an appropriate order for settlement of the aforesaid land in favour of the petitioner within a stipulated period of time.

3. Learned counsel appearing for the State opposes the submissions made by learned counsel for the petitioner and submits that the petitioner has no vested right for grant of lease or patta merely on the basis of the Circular dated 11.09.2019. The said Circular has subsequently been withdrawn by the State Government vide order dated 23.07.2024 and therefore, the petitioner cannot claim any right on the basis of a Circular which is no longer in force. It is submitted that the order dated 04.09.2024 (Annexure P/1) has been passed in accordance with the prevailing rules and the petitioner having no subsisting right over the property in question, is required to vacate the premises.
4. Having heard learned counsel for the parties upon due consideration of the facts and circumstances of the case and upon perusal of the documents available on record, this Court has considered the aspect that the petitioner, on the basis of the Circular dated 11.09.2019, had already deposited a sum of Rs.14,81,192/- before the authorities concerned way back on 04.01.2022. Thus, the said amount was deposited much prior to the issuance of the notification/order dated 23.07.2024 by which the aforesaid Circular was withdrawn. In such circumstances, the subsequent withdrawal of the Circular dated 11.09.2019 may not, by itself, conclude the grievance of the petitioner, particularly when the petitioner had already deposited the aforesaid amount while the Circular was in force. Even if the respondent authorities are of the view that the Circular dated 11.09.2019 cannot be taken into

consideration for granting the relief claimed by the petitioner, they may consider the grievance of the petitioner in accordance with law, keeping in view the fact that the petitioner has already deposited a substantial amount of Rs.14,81,192/- pursuant to the aforesaid Circular. Accordingly, the respondent authorities are directed to consider and decide the grievance of the petitioner by passing an appropriate reasoned order within a period of 90 days from the date of receipt of a copy of this order. Till expiry of the aforesaid period, no coercive steps shall be taken against the petitioner for removal of the alleged encroachment or the construction in question.

5. With this observation and direction, this petition stands disposed of.

SD/-

(Amitendra Kishore Prasad)

Judge