



CGHC010327082023



2026:CGHC:39859

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 4379 of 2023

Sant Kumar Navrange S/o Shri Sadhram Navrange, Aged About 46 Years R/o Ward No. 2, Kharora, Police Station Kharora, Up-Tahsil Kharora District Raipur (C.G.)

... **Petitioner(s)**

versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Revenue, Mahanadi Bhawan New Mantralaya, Atal Nagar, Nawa Raipur, District Raipur (C.G.)

2 - The Secretary, Department Of Urban Administration Development, Mahanadi Bhawan New Mantralaya, Atal Nagar, Nawa Raipur, District Raipur (C.G.)

3 - The Collector Raipur, District Raipur (C.G.)

4 - The Sub Divisional Officer, Tahsil -Tilda Neora, District Raipur (C.G.)

5 - The Naib Tahsildar Kharora, Up-Tahsil Kharora, District Raipur (C.G.)

6 - The Chief Municipal Officer, Nagar Panchayat, Kharora, Raipur, District Raipur (C.G.)

... Respondent(s)

(Cause Title downloaded from CIS Periphery)

For Petitioner(s) : Mr. RS Patel, Advocate

For Respondent(s) : Mr. Soumitra Kesharwani, Panel Lawyer

SB: Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

11/09/2026

1. By way of this petition, the petitioner seeks the following reliefs :

10.1 That, this Hon'ble Court may kindly be pleased to issue appropriate writ and direct the respondent no. 6 to issue lease/patta in favour of the petitioner for the Government Land bearing Khasra No. 997/8) admeasuring 990 Sq.Ft. situated at Nagar Panchayat, Kharora, District- Raipur (C.G.), in the interest of justice.

10.2 Any other relief which the Hon'ble Court deems fit and proper under the facts and circumstances may also be provided to the petitioners.

2. Brief facts of the case are that the petitioner is in possession of the Government land bearing Khasra No.997/8 admeasuring 990 sq. ft., situated at Nagar Panchayat, Kharora, District Raipur (CG).

On 01.10.2019, the Urban Administration and Development Department, State of Chhattisgarh, issued a Notification under the "*Rajiv Gandhi Ashraya Yojana*" scheme, stating that homeless persons residing on Government or Nazul land in urban areas shall be eligible for the lease of such occupied Government land, provided they hold a ration card for the said address. In the absence of a ration card, a Patta (lease deed) may be granted to them following verification based on other authentic documents. In the year 2019, Respondent No. 6 issued a Ration Card bearing the name of the petitioner's wife- Smt. Bharti Navrange. The petitioner holds the said Ration Card in compliance with the eligibility criteria prescribed under the relevant State policy/Notification governing lease allotments. The petitioner applied for the allotment of a land lease/patta over Government land bearing Khasra No. 997/8, admeasuring 990 sq. ft., situated within the limits of Nagar Panchayat, Kharora, District Raipur (C.G.). On 10.10.2022, the Sub-Divisional Officer (Revenue), Tilda Neora, issued a demand notice directing the petitioner to deposit a sum of Rs.4,950/- towards requisite development fees in the Office of Nagar Panchayat, Kharora, to enable the finalization of the lease/patta allotment. In compliance with the demand notice, the petitioner deposited Rs.4,950/- in cash at the Office of Nagar Panchayat, Kharora on 14.10.2022. An official receipt acknowledging the payment was duly issued to the petitioner. The petitioner's name stands at Serial No. 1 on the list of eligible

beneficiaries for the grant of lease/patta under the "*Rajiv Gandhi Ashraya Yojana*" Scheme. Having fulfilled all requisite conditions and having been declared fully eligible, the petitioner is legally entitled to the execution and issuance of the lease/patta in his favor. Despite being in continuous peaceful possession of the Government land bearing Khasra No. 997/8 (admeasuring 990 sq. ft.), having deposited the requisite development fee pursuant to the demand notice and standing at Serial No. 1 of the eligibility list under the "*Rajiv Gandhi Ashraya Yojana*", the Respondent authorities have failed to issue or execute the lease/patta deed in favour of the petitioner. Such inaction and delay on the part of the Respondent authorities is unreasonable, arbitrary, illegal and directly violative of Articles 14 and 21 of the Constitution of India. Hence, this Petition.

3. Learned counsel for the petitioner submits that the petitioner has been in continuous peaceful possession of Government land bearing Khasra No. 997/8, admeasuring 990 sq. ft., situated at Nagar Panchayat Kharora, District Raipur (C.G.). He submits that under the State Government's *Rajiv Gandhi Ashraya Yojana* Notification dated 01.10.2019, homeless occupants possessing a Ration Card issued at the subject address are eligible for a patta/lease. He submits that the petitioner satisfies this condition through the Ration Card issued in 2019 (issued in the name of the wife of the petitioner). He further submits that in pursuance of the demand notice, the petitioner deposited the required development

fee of Rs.4,950/- in cash with Nagar Panchayat Kharora. He submits that the petitioner stands at Serial No. 1 of the official Eligibility List for the grant of patta/lease under the subject scheme. However, despite fulfilling all conditions, depositing the fee, and being declared eligible, the respondent authorities have arbitrarily failed to execute/issue the lease patta in his favour.

4. Learned counsel for the State submits that the State issued the *Rajiv Gandhi Ashraya Yojana* Notification dated 01.10.2019 to grant land leases to eligible, homeless residents possessing valid ration cards. The petitioner's application for Khasra No. 997/8 (admeasuring 990 sq. ft.) was initially processed, and development fees were deposited. He submits that on 27.07.2022, one Kriparam Dewangan filed an objection claiming possession over a portion of the subject land and requesting deletion of the petitioner's name from the beneficiary list. He further submits that in a prior writ petition (*WPC No. 654/2019, Kriparam Dewangan v. State of C.G.*), this Court, vide order dated 25.02.2019, directed revenue authorities to take coercive steps to remove the petitioner's illegal encroachment on the Government land. He also submits that in compliance of the directions of this Court, the Collector, District Raipur, issued a notice dated 01.02.2023 to remove the construction within a period of 3 days. Upon failure to vacate, the illegal encroachment was removed on 03.02.2023 by respondent No.6 and a Panchanama report was submitted to the Collector on 06.02.2023. Further fresh

encroachment was reported on 08.07.2024. He further submits that due to the ongoing possession dispute between the petitioner and Kriparam Dewangan, coupled with this Court's directions regarding illegal encroachment, the lease/patta could not be finalized or executed in favor of the petitioner. Hence, this petition suffers from a fatal non-joinder of necessary parties, as Kriparam Dewangan, an objector and party to the prior litigation, has not been arrayed as a respondent in the present petition. Hence, this petition is liable to be dismissed.

5. Heard learned counsel for the parties and also perused the documents annexed with the petition.
6. Evidently, the petitioner claims to be in possession of Government land bearing Khasra No.997/8, situated within the limits of Nagar Panchayat, Kharora. However, with respect to the very same land, one Kripa Ram Dewangan also asserts possession and alleges that the petitioner has unlawfully encroached upon the subject land. In relation to this dispute, the said Kripa Ram Dewangan had previously filed a writ petition being No.WPC No.654/2019, wherein the present petitioner was arrayed as respondent No.6. It was alleged in the said petition that the petitioner was raising unauthorized construction over the land in his possession. Therefore, the petitioner therein (Kripa Ram Dewangan) prayed for a direction restraining the present petitioner from raising any further construction as well an order for his eviction and the removal of the illegal encroachment from the

subject land. This Court vide its order dated 25.2.2019 passed in the aforesaid writ petition, directed the concerned Tehsildar to remove the encroachment made by the petitioner. On this account, the petitioner cannot be granted lease under the Government Circular dated 1.10.2019 as he is not in exclusive possession of the Government land and his possession is disputed by one Kripa Ram Dewangan, which is reflected from the order dated 25.2.2019 passed by this Court.

7. Furthermore, there exists an inter se dispute between the petitioner and Kripa Ram Dewangan regarding the subject land. Hence, notwithstanding the deposit of the requisite development fee, the petitioner cannot claim a right of grant of lease/patta. Further, the petitioner has failed to implead Kripa Ram Dewangan as a party respondent in the present petition. In the absence of impleadment of such a necessary party, the true nature of the dispute and the status of actual physical possession over the land in question cannot be adjudicated.
8. For the foregoing discussion, this Court is of the opinion that no direction can be issued at this stage for grant of lease/patta in favour of the petitioner in respect of Government land bearing Khasra No.997/8, admeasuring 990 sq. ft. situated at Nagar Panchayat, Kharora, notwithstanding the fact that the requisite development fee of Rs.4950/- was deposited by the petitioner in the office of the Nagar Panchayat, Kharora under the *Rajiv Gandhi Ashraya Yojna*.

9. However, since the petitioner has already deposited the requisite development fee of Rs.4950/- before the authorities concerned, liberty is granted to the petitioner to approach the competent authority afresh, by filing a representation for grant of patta under the *Rajiv Gandhi Ashraya Yojana*, subject to the availability of any alternative vacant and unencumbered Government land. On receipt of such representation along with all relevant supporting documents, the concerned authorities shall consider and decide the claim of the petitioner in accordance with law.
10. With the aforesaid observations/directions, the Petition is finally disposed of.

Sd/-

(Amitendra Kishore Prasad)
Judge

Shyna Ajay