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2026:CGHC:38189

YOGESH
TIWARI

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YOGESH TIWARI
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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPC No. 4458 of 2026**

1 - Narayan Prasad Chakradhari S/o Late Hariram Kumhar Aged About 57 Years R/o Raigarh Chowk, Kharsia, Tehsil And District Raigarh Chhattisgarh

2 - Chandramani Chakradhari S/o Late Hariram Kumhar Aged About 57 Years R/o Raigarh Chowk, Kharsia, Tehsil And District Raigarh Chhattisgarh

... Petitioners**versus**

1 - State Of Chhattisgarh Through The Station House Officer, Police Station Kharsia, District Raigarh Chhattisgarh

2 - Rasmi Devi Agarwal W/o Rajesh Kumar Agarwal Aged About 48 Years Caste - Agarwal, R/o Shubhash Chowk Kharsia, Tehsil - Kharsia, District Raigarh Chhattisgarh

3 - Sujit Shriwas S/o Munchu Ram Shriwas Aged About 56 Years Caste - Barber, R/o Garhupora, Korba, Tehsil - Korba, District Korba Chhattisgarh

4 - Manharan Shriwas S/o Dhanau Aged About 53 Years Caste Barber, R/o Kharsia, Tehsil - Kharsia, District Raigarh Chhattisgarh

5 - Shakuntala W/o Maniram Shriwas Aged About 51 Years Caste Barber, R/o Kharsia, Tehsil - Kharsia, District Raigarh Chhattisgarh

6 - Gagan Shriwas Aged About 53 Years Caste Barber, R/o Kharsia, Tehsil - Kharsia, District Raigarh Chhattisgarh

... Respondents

(Cause-title taken from Case Information System)

For Petitioners	:	Mr. Anurag Verma, Advocate
For State	:	Mr. Shobhit Misrha, Dy. Govt. Advocate

Hon'ble Shri Amitendra Kishore Prasad, Judge
Order on Board

25.08.2026

1. By filing the present writ petition, the petitioners seeks protection against the alleged illegal demolition of their residential house, interference with their possession over the subject property, and alteration of the physical features thereof by respondent No.2, on the basis of a disputed sale deed, and also seeks police protection in the matter and has prayed for the following reliefs:-

“10.1 Issue an appropriate writ, order or direction directing Respondent No. 1 and the concerned police authorities to immediately intervene and ensure maintenance of law and order at the Petitioner's property situated over Khasra No.578/33 and the adjoining Khasra No.578/22;

10.2 Direct the Respondent No. 1 to strictly maintain law and order, provide immediate police protection to the Petitioners, and stop all demolition activities on the Petitioner's lands, specifically Khasra No. 578/33 and Khasra No. 578/22.;

10.3 Direct Respondent No.2 and her representatives and any person claiming through her not to demolish, damage, alienate, transfer, dispossess or otherwise alter the physical features of the Petitioner's

constructed house situated over Khasra No.578/33 without authority of law;

10.4 restrain the Respondent No. 2 from physically interfering with the Petitioner's peaceful possession or altering the status quo of the constructed house (Khasra No. 578/33) and the sub-judice land (Khasra No. 578/22) until the competent Civil Court takes up the Petitioner's application for temporary injunction.

10.5 Any other relief(s) in favor of Petitioner as this Hon'ble Court may deem fit and proper under the facts and circumstances of the case.”

2. Learned counsel for the petitioner submits that the petitioners are in settled possession of the subject property and is apprehending illegal demolition and forcible dispossession at the hands of respondent No.2, despite the pendency of civil litigation and the order of status quo passed by co-ordinate Bench of this Court in Second Appeal No.304 of 2024, and therefore seeks appropriate protection from this Court.
3. On the other hand, learned State counsel submits that the writ petition is not maintainable as the dispute is essentially between private parties and involves disputed questions of title and possession, which are already the subject matter of pending civil proceedings.

4. Having considered the documents placed on record by the petitioners, the reliefs sought in the present petition, and, in particular, the order passed by co-ordinate Bench of this Court in Second Appeal No.304 of 2024, it appears that the dispute essentially pertains to private rights of the parties in respect of immovable property and that civil litigation between the parties is already pending before the competent Court. It is also apparent that an order of status quo has been passed in the said second appeal. In view of the nature of the dispute and the pendency of civil proceedings, this Court, in exercise of its writ jurisdiction, would not be justified in adjudicating upon the disputed questions of title, possession or physical identity of the property.
5. In such circumstances, the relief sought by the petitioners cannot be granted in exercise of the writ jurisdiction of this Court. Accordingly, the present writ petition is held to be not maintainable and is dismissed.
6. However, liberty is reserved to the petitioners to avail an appropriate remedy before the competent Civil Court in accordance with law. If the petitioners approach the competent Court for appropriate relief, they shall be entitled to do so within a period of 15 days from today. For a period of 15 days from today, the respondent-authorities concerned shall not take any coercive steps against the petitioners in respect of the subject matter of the present petition.

7. It is made clear that this order shall not be construed as an expression of opinion on the merits of the respective claims of the parties, which shall be considered by the competent Court in accordance with law.
8. There shall be no order as to costs.

Sd/-

(Amitendra Kishore Prasad)
Judge

Yogesh