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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 4515 of 2026

**1 - Upendra Nath Awasthi S/o Late Shri G.N. Awasthi Aged About 81 Years
R/o Rohini Vihar, Green Park, District- Bilaspur, (C.G.)**

**2 - Raksha Awasthi D/o Shri Upendra Nath Awasthi Aged About 53 Years R/o
Rohini Vihar, Green Park, District- Bilaspur, (C.G.)**

... Petitioners

Versus

**1 - The State of Chhattisgarh Through The Principal Secretary, Department
Of Home Affairs, Atal Nagar, Nava Raipur, District Raipur (C.G.)**

2 - The Collector and District Magistrate Rajnandgaon (C.G.)

3 - The Sub-Divisional Magistrate Rajnandgaon (C.G.)

4 - The Tehsildar/executive Magistrate Rajnandgaon (C.G.)

5 - The Superintendent Of Police Rajnandgaon (C.G.)

6 - The Sho Police Station City Kotwali, Rajnandgaon (C.G.)

... Respondents

(Cause title is downloaded from CIS Periphery.)

For Petitioner	:	Ms. Ishita, Advocate.
For State	:	Mr. Soumitra Kesharwani, P.L.

Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

07/09/2026

1. The petitioner has preferred the instant petition seeking the following reliefs:-

“10.1 Issue appropriate order/direction/writ in the nature of mandamus commanding the respondents to perform their legal and constitutional obligation forthwith, within a week, & submit compliance report before this Hon'ble Court within 10 days, in the ends of justice & to prevent abuse of process of law in order to safeguard the petitioner's fundamental rights u/a 14, 19 and 21 of the Constitution of India.

10.2 Such other relief(s) in favour of petitioner as this Hon'ble Court may deem fit and proper under the facts and circumstances of the case with exemplary costs.”

2. Learned counsel appearing for the petitioners submits that an order under Section 164 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) has already been passed by the concerned Sub-Divisional Magistrate, Rajnandgaon (C.G.), in favour of the petitioners. Despite passing of the said order, the concerned persons are allegedly obstructing the peaceful possession of the petitioners over the subject property. It is submitted that, on account of such obstruction, the petitioners have already submitted a representation before the authorities concerned. She next submits that the grievance of the petitioners is limited in nature. The petitioners seek a direction to the competent authorities to consider and decide their representation in the light of the order passed by the learned Sub-Divisional Magistrate, Rajnandgaon (C.G.), in proceedings under Section 164 of the

BNSS, 2023, and to take appropriate consequential action in accordance with law. She also submits that all the authorities having knowledge of the aforesaid order and the directions contained therein are required to abide by and give due effect to the same, in accordance with law.

3. On the other hand, learned counsel for the State has no objection the limited prayer as made by learned counsel for the petitioners.
4. Having heard learned counsel for the parties and having considered the limited grievance raised by the petitioners, this Court is of the view that the petition can be disposed of with a direction to the competent authority to consider and decide the representation submitted by the petitioners, along with the order dated 03.08.2026 passed by the learned Sub-Divisional Magistrate, Rajnandgaon (C.G.), under Section 164 of the BNSS, 2023, as also all other relevant documents, and to take appropriate consequential action, if warranted, strictly in accordance with law. It is made clear that all the authorities concerned having knowledge of the order passed by the concerned Sub-Divisional Magistrate shall act in accordance with the said order and the applicable provisions of law and ensure that the grievance of the petitioners is duly examined and appropriate orders are passed expeditiously. It is further clarified that this Court has not expressed any opinion on the merits of the dispute between the parties, and the competent authority shall take an independent decision in accordance with law.
5. With this observations and directions, this petition stands **disposed of**.

Sd/-

(Amitendra Kishore Prasad)

Judge