CGHC010114202026

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WP227 No. 376 of 2026

Hanuman Prasad Agrawal S/o Harchandram Agrawal Aged About 78 Years R/o Agroha Marg, Korba, Tehsil And District- Korba (C.G.)

... Petitioner(s)

versus

Mahavir Prasad Agrawal S/o Shri Harchandram Agrawal Aged About 64 Years R/o Agroha Marg, Korba, Tehsil And District Korba (C.G.)

... Respondent(s)

(Cause title is taken from the CIS)

For Petitioner	:	Shri Surfaraj Khan, Advocate
For Respondent	:	Shri Aman Ansari, Advocate

Hon'ble Shri Justice Ravindra Kumar Agrawal

Order on Board

30.10.2026

1. Heard.

2. Present is a writ petition filed by the petitioner under Article 227 of the Constitution of India against the order dated 11.03.2026 passed by the learned Chhattisgarh Board of Revenue in Revision Case No.RN/10/R/A-70/59/2026, whereby the Board of Revenue has stayed the order dated 25.02.2026 passed by the Commissioner, Bilaspur Division for a month, or the next date of hearing, whichever is earlier.

3. Learned counsel for the petitioner would submit that initially the petitioner had filed an application before the Tahsildar, Korba under Section 250 of the CG Land Revenue code, 1959 for restitution of possession of the subject land in which the Tahsildar has passed order dated 11.12.2025, whereby the application filed by the petitioner was rejected. However, the non-applicant was restrained from raising any further construction over the subject land. Since the respondent is trying to encroach the other part of the subject property, petitioner filed an appeal before the SDO, Revenue, Korba, who has dismissed the appeal vide order dated 05.02.2026. Thereafter, petitioner approached the Commissioner, Bilaspur Division, in which an interim order was passed on 25.02.2026 staying effect and operation of the order dated 05.02.2026 passed by the SDO Revenue, Korba for further period of 30 days and directed the parties to maintain status *quo* with respect to the suit property. The respondent challenged the order dated 25.02.2026 passed by the Commissioner, Bilaspur Division before the Board of Revenue and the Board of Revenue, vide order dated 11.03.2026 stayed the effect and operation of the order dated 25.02.2026 passed by the Commissioner, Bilaspur Division, whereby the order passed by the SDO would come into operation by which the order of Tahsildar is affirmed. He would further submit that the Second Appeal preferred by the petitioner before the Commissioner, Bilaspur Division is now being transferred to the Court of District Collector, Korba, as per the amendment incorporated in the Land Revenue Code, 1959 on

28.04.2026 and the proceeding is lying pending there. Therefore, the impugned order, passed by the Board of Revenue staying effect and operation of the order dated 25.02.2026 may be set aside and the Board of Revenue may be directed to decide the Revision expeditiously within a stipulated time frame.

4. On the other hand, learned counsel appearing for the respondent opposed the submissions made by the learned counsel for the petitioner, however, he could not dispute that if the Board of Revenue may be directed to expedite the proceeding pending before it and to decide the same as early as possible.

5. Heard learned counsel for the parties ad perused the documents annexed with the petition.

6. Present writ petition has been filed against an interim order passed by the Commissioner as well as the Board of Revenue. Against the dismissal of the appeal by the SDO Revenue, Korba, the petitioner filed a Second Appeal before the Commissioner, in which there is an interim order passed on 25.02.2026. The said interim order was again challenged by the respondent before the Board of Revenue and the Board of Revenue stayed the interim order passed by the Commissioner, thereby, the order passed by the SDO Revenue would come into operation which is made effective the order passed by the Order of Tahsildar, Korba by which the non-applicant/respondent would restrain from raising any construction over the subject property. The submission

of the petitioner that the respondent is trying to encroach other part of the subject property, for which there is an interim order passed by the Commissioner, Bilapsur, which has been stayed by the Board of Revenue.

7. Since the present petition is arising out of an interim order and the original proceeding is pending before the Board of Revenue and Collector Korba after amendment in the Land Revenue Code in the year 2026, instead of deciding the writ petition on merits, this Court deem it appropriate to direct the Chhattisgarh Board of Revenue, Bilaspur to decide the revision pending before it within a stipulated time in accordance with law, on its own merits after providing opportunity of hearing to the parties concerned.

8. Accordingly, present writ petition stands **disposed of,** directing the Chhattisgarh Board of Revenue, Bilaspur to decide the revision pending before it between the parties, within 45 days from the next date fixed before it, in accordance with law on its own merits, and after providing opportunity of hearing to the parties. Till then, parties shall maintain status *quo* with respect to subject property.

Sd/-
(Ravindra Kumar Agrawal)
JUDGE

padma