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CGHC010190042023 2026:CGHC:43399

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 2666 of 2023

Mohammad Vadud S/o Mohmmad Gafur Aged About 63 Years R/o Village Baramkala District Sarangarh Bilaigarh Chhattisgarh.

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through Collector District Sarangarh Bilaigarh Chhattisgarh.

2 - Anuvibhagiya Adhikari Rajasv, Sarangarh District Sarangarh Bilaigarh Chhattisgarh.

3 - Tahsildar, Office Of Tahsildar Baramkela District Sarangarh-Bilaigarh Chhattisgarh.

4 - Mukhiy Kariyapalan Aadhikari, Nagar Panchayat Baramkela District Sarangarh - Bilaigarh Chhattisgarh.

5 - Kshetriya Prabandhak, Apexs Bank Baramkela District Sarangarh Bilaigarh Chhattisgarh.

... Respondent(s)

(Cause title taken from CIS System)

For Petitioner(s)	**:**	Mr. Abdul Moin Khan, Advocate on behalf of Mr. Abdul Wahab Khan, Advocate
For Respondent(s)	**:**	Mr. Anil Pandey, GA

Hon’ble Mr. Justice Amitendra Kishore Prasad

Order on Board

07.10.2026

1. The petitioner has filed this petition with the following reliefs:-

> “ 10.1 That, the respondent Nos. 1 to 3 may kindly be directed to take appropriate action, in accordance with law, on the complaint letter submitted by the petitioner, as contained in Annexure P-03 and consequently take necessary steps for restoration of the said plot to the petitioner.
>
> 10.2. That, the respondent Nos. 1 to 3 may kindly be directed to take immediate and appropriate action, in accordance with law, to facilitate the petitioner in carrying out smooth and unhindered construction of a residential house on the land admeasuring 2.5 decimals, situated at Khasra No. 159/01, Village Kharwani, Tehsil Barmkela.
>
> 10.3 That respondents Nos. 1 to 3 be directed not to proceed with the illegal re-allotment of the residential land allotted to the petitioner to others.”

2. Learned Counsel appearing for the petitioner submits that, vide order dated 25.08.1986 passed by the Naib Tahsildar, Sarangarh, District Raigarh (M.P. (now C.G.)), the petitioner was allotted a piece of land bearing Khasra No. 159/1, Plot No. 13, admeasuring 2.5 decimals, situated at Village Kharwani, Tahsil Baramkela. It is

submitted that the said order continues to remain in favour of the petitioner and has neither been varied nor set aside by any revenue authority or Court of law. Learned Counsel further submits that the petitioner is in possession of the said land and had constructed a temporary hutment thereon. However, the hutment was subsequently removed due to climatic conditions. It is submitted that the petitioner continues to remain in possession of the land and therefore, the land allotted in his favour deserves to be retained in his name.

3. Learned counsel for the State submits that the entire land has been allotted to the Chhattisgarh Rajya Sahakari Bank (Apex Bank). However, till date, no construction has been raised thereon. He further submits that the allotment was made way back on 07.02.2022, but the Chhattisgarh Rajya Sahakari Bank (Apex Bank) has not, till date, raised any construction over the said land, which is lying vacant and remains barren.

4. Having heard learned counsel for the parties and perused the material available on record, it appears that the petitioner was allotted a piece of land pursuant to revenue proceedings bearing Revenue Case No. 8/A-66/1985-86, and the same was duly recorded in his name vide order dated 25.08.1986. The petitioner had earlier constructed a hutment thereon, which was subsequently removed due to climatic conditions. However, the petitioner continues to remain in occupation of the said land. In view of the aforesaid facts, unless and until the order dated

25.08.1986 is cancelled or otherwise set aside in accordance with law, the petitioner cannot be dispossessed from the said land, nor can the same land be allotted to the Chhattisgarh Rajya Sahakari Bank (Apex Bank). Accordingly, the concerned authorities are directed not to take any coercive action against the petitioner in respect of the land allotted to him. In case the respondent-State has allotted the said land to the Chhattisgarh Rajya Sahakari Bank (Apex Bank), the portion of land i.e., 2.5 decimal allotted to the petitioner shall be excluded from such allotment.

5. With the aforesaid observations and directions, this writ petition stands **disposed of.**

SD/-

(Amitendra Kishore Prasad)
Judge

AMIT PATEL