CGHC010189532026 2026:CGHC:46854

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HIGH COURT OF CHHATTISGARH AT BILASPUR

SHYNA AJAY
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Date: 2026.11.05 14:30:40 +0530

WPC No. 2365 of 2026

Order Reserved on 16.10.2026

Order Pronounced on 05.11.2026

Kanhaiya Yadav S/o Late Paras Yadav Aged About 45 Years R/o Village Ratakhar, Tehsil And District Korba (C.G.)

--- **Petitioner(s)**

versus

1 State Of Chhattisgarh through the Secretary, Department of Revenue and Disaster Management, Mahanadi Bhawan, Naya Raipur, Atal Nagar, Post Office Rakhi, District Raipur (CG)

2 The Collector Korba, Distt- Korba (C.G.)

3 - Sub Divisional Officer (R) Korba Sub Division, Korba, Distt- Korba (C.G.)

4 Tahsildar Korba, Tahsil & Distt- Korba (C.G.)

5 - Municipal Corporation Korba, Saket, Korba, Distt- Korba (C.G.)

6 - Hardeep Singh Rajpal S/o Preetam Singh Rajpal R/o Main Road Korba, Tahsil And District- Korba (C.G.)

--- **Respondent(s)**

WPC No. 2367 of 2026

1 - Dhajaram Patel S/o Late Kanhaiya Patel, Aged About 45 Years R/o Tina Dafai, Ratakhar Korba District- Korba (C.G.)

2 - Maan Kunwar W/o Chhote Lal Aged About 40 Years R/o Tina Dafai, Ratakhar, Korba, Tehsil and District- Korba (C.G.)

3 - Shanti Bai W/o Chhedidas Aged About 61 Years R/o House No. 1153, Tinadfai Ratakhar Korba District- Korba (C.G.)

4 - Hari Shankar Yadav S/o Late Paras Yadav Aged About 45 Years R/o Tina Dafai, Ratakhar, Korba, Tahsil And District- Korba (C.G.)

5 - Laxman Kewat S/o Mohan Lal Kewat, Aged About 76 Years R/o House No. 972, Tinadfai, Ratakhar, Korba District- Korba (C.G.)

6 - Sukhdev Kewat S/o Laxman Kewat, Aged About 41 Years R/o Tina Dafai, Ratakhar, Korba, Tahsil And District- Korba (C.G.)

7 - Mohit Kumar S/o Late Santosh Kumar, Aged About 23 Years R/o Tina Dafai, Ratakhar Korba, Tahsil And District- Korba (C.G.)

---**Petitioner(s)**

Versus

1 - State Of Chhattisgarh through the Secretary, Department of Revenue and Disaster Management, Mahanadi Bhawan, Naya Raipur, Atal Nagar, Post Office Rakhi, District Raipur (CG)

2 - The Collector, Korba, Distt. Korba (C.G.)

3 - Sub Divisional Officer (R), Korba Sub Division, Korba, Distt. Korba (C.G.)

4 – Tahsildar, Korba, Tahsil and Distt. Korba (C.G.)

5 - Municipal Corporation Korba, Saket, Korba Distt. Korba (C.G.)

6 - Hardeep Singh Rajpal S/o Preetam Singh Rajpal R/o Main Road Korba, Tahsil and District- Korba (C.G.)

--- **Respondent(s)**

(Cause Title downloaded from CIS Periphery)

For Petitioner(s)	**:**	Mr. Rajnish Singh Baghel, Advocate and Ms. Chetna Sharma, Advocate
For Respondent/State	**:**	Mr. Shobhit Mishra, Dy. GA
For Respondent No.5	**:**	Mr. Hardik Jaiswal, Advocate on behalf of Mr. Anshul Tiwari, Advocate
For Respondent No.6	**:**	Mr. Awadh Tripathi, Advocate

SB: Hon’ble Mr. Justice Amitendra Kishore Prasad

C A V Order

1. Since the writ petitioners in the captioned Writ Petitions have assailed the notice(s) of eviction dated 23.04.2026 issued by the Tehsildar, Korba, in respect of the land bearing Khasra No. 55/1, both petitions were clubbed together for hearing pursuant to the order-sheet dated 19.06.2026 (in WPC No.2367/2026). Accordingly, both cases were heard analogously and are being disposed of by this common order, as the subject matter in

dispute is one and the same.

2. The petitioners, by way of the present Writ Petitions, have challenged the eviction notices dated 23.04.2026 issued by the Tehsildar, Korba, under Section 250 of the Chhattisgarh Land Revenue Code, 1959 (hereinafter referred to as "the Code"), whereby the respective petitioners were directed to remove their alleged illegal encroachments on or before 08.05.2026, failing which the possession of the petitioners would be forcefully removed by the department concerned and the expenses incurred by the State in doing so would be recovered from them as arrears of land revenue through Revenue Recovery proceedings. The impugned notices recite that the Board of Revenue, Chhattisgarh, Bilaspur, passed an order way back on 16.04.2018 against the alleged encroachers/the petitioners, holding that they had illegally encroached upon the land in question bearing Khasra No. 55/1, while affirming the concurrent orders passed by the revenue authorities i.e. the concerned Tehsildar and the concerned Sub Divisional Officer (Revenue). It has been further stated in the said notice that in light of the order dated 10.11.2025 passed in WP(C) No. 4373 of 2023, the petitioners are encroachers and cannot legally occupy the land bearing Khasra No. 55/1. Hence, notices of eviction have been issued to each of the petitioners, all of whom have assailed the same before this Court.

3. For the sake of convenience, WPC No.2365/2026 is being treated as the lead case and the facts of the said petition are

being referred to for the purpose of adjudication. The decision rendered herein, shall, however, govern the connected Writ Petition as well. In sum and substance, the writ petitioners have prayed for the same reliefs. In WPC No.2365/2026, the petitioner therein has prayed for the following reliefs:

> 1. *Hon'ble Court may be kind and gracious enough to call for the records of the case from the respondents.*
> 2. *Hon'ble Court may kindly be pleased to set aside the illegal eviction notice dated 23.04.2026 (Annexure P/1).*
> 3. *Hon'ble Court may kindly be pleased to pass an appropriate direction to the concern authority to carry out the proper demarcation of the subject land i.e Kh. No.74/1 of village Ratakhar, Tahsil & District Korba after following of due process of law.*
> 4. *Any other relief/relief's which Hon'ble court may deem fit in the facts and circumstances of the instant case*

4. Brief facts of the case, as set-forth by the petitioner, are that the petitioner, a homeless urban resident, who has been residing peacefully along with his family for the last 30 to 40 years on Government Abaadi land bearing Khasra No. 74/1, situated at Village Ratakhar, P.H.N. 09, Tahsil and District Korba (C.G.). In recognition of his long-standing settled possession, the State Government duly allotted a leasehold *Patta* (lease) in favor of the petitioner, upon which he constructed a residential structure for

his shelter. The present dispute originated when respondent No. 6, a private party, submitted an application before Respondent No. 3 {Sub Divisional Officer (Revenue)} falsely alleging that the petitioner was encroaching upon his private land bearing Khasra No. 55/1. The petitioner filed objections stating that he is in occupation of Government Abaadi land under Khasra No. 74/1 pursuant to a valid Government Patta and not Khasra No. 55/1. Despite this, a Revenue Demarcation Team allegedly conducted a survey on 12.05.2014 and submitted a report on 15.05.2014, which was prepared entirely behind the back of the petitioner without issuing prior notice, obtaining his signature or specifying the mandatory boundaries (*Chauhaddi*). Solely relying on this report, Respondent No. 3-Sub Divisional (R), Korba, passed an order dated 09.06.2014 (Annexure P/3) declaring the petitioner an encroacher and ordering restoration of possession to respondent No. 6. Though the petitioner's first appeal was dismissed by Respondent No. 2 (Collector) vide order dated 20.04.2016 (Annexure P/4), but the Divisional Commissioner, Bilaspur Division, vide order dated 12.09.2016 (Annexure P/5), allowed the second appeal of the petitioner, set aside the orders dated 09.06.2014 and 20.04.2016 and remanded the matter to Respondent No. 3 to conduct a fresh demarcation in the presence of the petitioner. However, respondent No. 6 challenged the said order of the Commissioner before the Board of Revenue, Bilaspur, which, vide order dated 16.04.2018 (Annexure P/6), set aside the remand order of the Commissioner, without proper

notice or knowledge to the petitioner. Aggrieved by subsequent ejectment threats, the petitioner along with other residents approached this Court by filing WP(C) No. 4373/2023 and connected matters. This Court, vide order dated 10.11.2025 (Annexure P/7), disposed of the petitions with a direction to the concerned Respondent authorities to constitute a team, serve prior notices to all affected parties and complete demarcation of the Patta land (Khasra No. 74/1) within 45 days strictly in accordance with law, while also considering rehabilitation measures. In complete defiance of these judicial directions, the authorities failed to conduct any demarcation or serve prior notices and instead affixed an arbitrary eviction notice to remove the encroachment within three days, dated 28.01.2026 (Annexure P/8) on the wall of the house of the petitioner. Though a certified copy of the demarcation report was applied for on 10.02.2026, none was provided. Thereafter, the petitioner again filed WP(C) No. 673/2026, which was disposed of by this Court vide order dated 10.03.2026 (Annexure P/10) passed in the aforesaid writ petition and connected petitions, on an undertaking by the State to recall the impugned notice(s). Despite this solemn undertaking and clear judicial protection, Respondent No. 4-the Tehsildar, Korba, acting in collusion with respondent No. 6, issued a fresh illegal eviction notice(s) dated 23.04.2026 (Annexure P/1) ordering the petitioner to vacate his residential property by 08.05.2026 under threat of forcible demolition and recovery of costs, without carrying out the mandatory demarcation of Khasra

No. 74/1 or providing rehabilitation as directed by this Court. Hence, this Petition(s).

5. Mr. Rajnish Singh Baghel, learned counsel for the petitioner(s) submits that the petitioner is not an illegal occupant upon the land in dispute i.e. Khasra No. 55/1, rather, he is lawful allottee of the land bearing Khasra No. 74/1, situated at Village Ratakhar, Tahsil and District Korba. He submits that valid *Patta* (lease) has been issued in favor of the petitioner(s), pursuant to which, he has constructed his residential house and *badi* upon the said land and has been residing there peacefully. He further submits that the revenue authorities have repeatedly issued eviction notices against the petitioner, which have been challenged from time to time before the subordinate revenue Courts as well as before this Court in various writ petitions. Ultimately, this Court, vide order dated 10.11.2025 passed in WP(C) No. 4373 of 2025 and connected petitions, directed the respondent authorities to conduct a demarcation in accordance with law so as to specify, delineate and identify the land of the petitioner bearing Khasra No. 74/1. Learned counsel submits that the authorities have failed to conduct any demarcation, have denied the petitioner a reasonable opportunity of hearing and have instead procured a clandestine demarcation report behind the back of the petitioner, which is *non est* and not binding upon him. He further submits that the petitioner has been in continuous occupation of the subject land for several decades and has constructed his residential house thereon. As such, it would be unjustified to treat

him as encroacher and to issue notice for his eviction. He further submits that the once Revenue Courts erred in passing the order of eviction, which was assailed before this Court on multiple occasions, culminating in the order dated 10.11.2025 passed in WP(C) No. 4373 of 2025 and connected petitions, whereby a fresh demarcation was directed to be conducted (in respect of Khasra No.74/1) in accordance with law. Hence, the impugned notice issued by the concerned Tehsildar is illegal, arbitrary and unsustainable in the eyes of the law and cannot be permitted to operate. He further submits that the petitioner belongs to the economically weaker section of society, who, upon the grant of *Patta* by the State Government, entered into possession of the subject land and constructed his residential house thereon. Having been inducted into lawful possession by virtue of the said *Patta*, the petitioner cannot now be illegally evicted from the land in question. Inasmuch as the alleged demarcation was conducted behind the back of the petitioner and in flagrant violation of the prescribed procedure of law, it would be just and proper to direct the respondent authorities to carry out a fresh demarcation in accordance with law to clearly delineate and identify the land allotted to the petitioner, thereby securing his quiet enjoyment thereof. He also submits that the petitioner entered into occupation pursuant to the physical allotment of the land by the competent authorities and his possession remained undisturbed without any objection from any quarter for decades. Hence, the present belated objections raised by the private respondent are

devoid of merit. Lastly, he submits that the long-standing settled possession of the petitioner cannot be viewed in isolation or brushed aside lightly and the same ought to have been duly considered by the respondent authorities, which they have failed to do. Consequently, facing an imminent and immediate threat of forcible dispossession, the petitioner has been constrained to invoke the extraordinary writ jurisdiction of this Court.

6. *Per contra*, Mr. Shobhit Mishra, learned counsel for the State-Respondents submits that the petitioners and other similarly situated persons were duly allotted land bearing Khasra No. 74/1 and therefore, they are bound to confine their occupation to the land specifically granted to them. As no land bearing Khasra No. 55/1 was ever settled in their favour, any occupation or possession asserted by the petitioner over the said Khasra number is illegal and they cannot claim any right, title or interest therein. He further submits that the petitioners are bound to restrict their occupation exclusively to the land validly allotted to them, which has been duly identified and delineated by the Tehsildar concerned during the course of demarcation proceedings, both previously conducted and recently undertaken in pursuance of the directions issued by this Court vide order dated 10.11.2025 passed in WP(C) No. 4373 of 2023 and connected petitions. It is urged that the petitioner has unauthorizedly and illegally occupied land bearing Khasra No. 55/1, which forms no part of their lawful allotment. In that view of

the matter and in compliance with the order dated 10.11.2025 passed in WP(C) No. 4373 of 2023 and connected petitions as well as the order dated 15.10.2024 passed in Contempt Case (C) No. 389 of 2023, the concerned Tehsildar has rightly issued the impugned notice for the eviction of the petitioner from the land bearing Khasra No. 55/1. It is categorically submitted that during the hearing of WP(C) No. 4373 of 2023 and other conneced petitions, the petitioners themselves conceded that they lay no claim over the land bearing Khasra No. 55/1. Ultimately, the order dated 16.04.2018 passed by the Board of Revenue was affirmed by this Court in the aforesaid writ petition vide order dated 10.11.2025. The relevant extracts of the order dated 10.11.2025 read as under:

> *"10. It is pertinent to mention here that records of this case also reveals that before demarcating the land bearing Khasra No.55/1, notice was issued to the petitioners and, thereafter, proceeding of demarcation had been done. The order of Board of Revenue dated 16.04.2018, whereby the order passed by the Tahsildar Korba and the Sub Divisional Officer Korba in a proceeding under Section 250 of Chhattisgarh Land Revenue Code for removal of illegal encroachment of the petitioners of Khasra No.55/1 is neither perverse nor illegal and there is no any jurisdictional error.*
>
> *11. Since, the petitioners do not want to raise any claim with regard to Khasra No.55/1, therefore, claim regarding Khasra No.55/1 is hereby rejected.*

7. In the premises aforesaid, learned counsel for the State submits that no illegality whatsoever can be attributed to the action of the authorities, inasmuch as the aforesaid order has attained finality

and the petitioner is bound thereby. Thus, the petitioner can assert no right title, or interest over the land bearing Khasra No. 55/1 and the impugned notice(s) of eviction has been rightly issued, warranting no interference by this Court. He further submits that the petitioner(s) is an unauthorized encroacher who has remained in illegal occupation of the subject land for a considerable period and he cannot be permitted to perpetuate his encroachment even for a moment. He further submits that other illegal occupants have already vacated their encroachments and the present petitioners have themselves admitted to being encroachers. They were actively present during the recent demarcation proceedings and duly signed the demarcation documents. Furthermore, vide order dated 10.11.2025, the petitioners relinquished their claim in respect of land bearing Khasra No. 55/1 and consequently, their claim was rejected by this Court. In view of the above, the present petition is devoid of any merit and is liable to be dismissed *in limine*.

8. Mr. Awadh Tripathi, learned counsel for respondent No.6, submits that the land bearing Khasra No. 55/1, admeasuring 1.38 acres, belongs to respondent No. 6 and the petitioners and other persons have unlawfully encroached upon the same. He submits that respondent No. 6 filed an application under Section 250 of the Code seeking the eviction of the encroaching petitioners and the restoration of possession of the subject land. It was further submitted that the petitioners and other persons were granted a lease in respect of Government land bearing Khasra No. 74/1 for

residential purposes, however, instead of occupying the land so leased to them, they have illegally encroached upon the land belonging to respondent No. 6. He further submits that upon the said application, the concerned Tehsildar constituted a team for the demarcation of the land in question to ascertain its actual possession. After the demarcation conducted by the team, it was found that as many as 28 persons had encroached upon the land. Ultimately, upon due inquiry and on the basis of the demarcation report, the concerned Tehsildar passed an order dated 09.06.2014, holding that these 28 persons had indeed illegally encroached upon the land of respondent No. 6. He submits that the present petitioner, along with other persons, was granted a *patta* in respect of land bearing Khasra No. 74/1 for residential purposes. However, the petitioner, as well as the other persons, illegally encroached upon the land bearing Khasra No. 55/1. Therefore, while allowing the said application vide order dated 9.6.2014, the petitioner and the other encroachers were directed to remove their unauthorized possession. The said order passed by the concerned Tehsildar was challenged by the petitioners before the concerned Sub Divisional Officer (Revenue) in an appeal under Section 44(1) of the Code. After following due process of law and after extending due opportunity of hearing, the concerned SDO(R) dismissed the appeal vide order dated 20.4.2016, holding *inter alia* that the order passed by the Tehsildar was well-merited. It was further observed that while the petitioners and other persons were granted a lease in respect of

Khasra No. 74/1, they had illegally encroached upon the land bearing Khasra No. 55/1 belonging to respondent No. 6 and accordingly, the order passed by the Tehsildar was confirmed. He also submits that when the said order of the SDO(R) was further challenged before the Commissioner in a second appeal, the Commissioner held that proper demarcation had not been conducted. As a result, finding that the orders passed by the concerned Tehsildar and the concerned SDO(R) could not be sustained, the Commissioner directed that a fresh demarcation be carried out in accordance with law vide order dated 12.9.2016. He further submits that upon passing of the aforesaid order, respondent No. 6 challenged the same before the Board of Revenue. After a meticulous examination of the record and due consideration of all material aspects, the Board of Revenue passed the order dated 16.4.2018. The order passed by the Board of Revenue is a detailed and reasoned order that thoroughly addresses every aspect of the matter. It was found that the demarcation was duly conducted and the present petitioners deliberately refused to accept the notice of demarcation, as such, the entire demarcation proceedings cannot be said to be vitiated. Even otherwise, since the petitioners were granted a lease/*patta* in respect of land bearing Khasra No. 74/1, they cannot be permitted to remain in illegal possession of land bearing Khasra No. 55/1, which in fact belongs to respondent No. 6. He further submit that subsequent to the passing of the said order, the petitioner(s) challenged the same before this Court in

W.P.(C) No. 4373/2023. This Court, vide order dated 10.11.2025, held that so far as Khasra No. 55/1 is concerned, the order passed by the Board of Revenue suffers from neither perversity, illegality nor any jurisdictional error. It was further observed in the said order that the petitioner did not press any claim in respect of Khasra No. 55/1, therefore, the claim regarding Khasra No. 55/1 stands rejected. However, it was further directed that the concerned authority shall demarcate the land bearing Khasra No. 74/1 within an outer limit of 45 days from the date of receipt or production of a copy of the said order, after following due process of law and issuing notice to all concerned parties. Since the petitioner(s) has already relinquished his rights in respect of Khasra No. 55/1, he cannot question the notice dated 23.04.2026, which has been issued in pursuance of the order dated 15.10.2024 as well as the order dated 10.11.2025 passed in Contempt Case No. 389/2023 and W.P.(C) No. 4373/2023 and connected petitions respectively. He further submits that the order dated 10.11.2025 passed in W.P.(C) No. 4373/2023 and connected petitions has attained finality, as the said order has never been challenged by the petitioners. In fact, all other persons similarly situated have already complied with the order and relinquished possession of the land bearing Khasra No. 55/1. The present petitioners namely Kanhaiya Yadav, son of Paras Yadav, Dhajaram Patel and six others, against whom notices have been issued, are now challenging the said notices, despite having no legal entitlement to do so. He submits that once this

Court, in W.P.(C) No. 4373/2023 and connected petitions, categorically held vide order dated 10.11.2025 that the removal of the petitioners' illegal encroachment on Khasra No. 55/1 suffers from neither perversity nor illegality and that there is no jurisdictional error in the order dated 16.04.2018 passed by the Board of Revenue (which confirmed the orders of the Tehsildar, Korba and the SDO(R), Korba in proceedings under Section 50 of the Code for removal of encroachment), the present petitioners are legally precluded from challenging the same. He further submits that in the order dated 10.11.2025 passed in the aforesaid writ petition, the petitioners stated that they do not wish to press any claim with regard to Khasra No. 55/1 and resultantly, their claim concerning the same was rejected. As such, the petitioners are now estopped from raising any claim in respect of Khasra No. 55/1. He submits that having been granted a lease in respect of land bearing Khasra No. 74/1, for which a demarcation was directed to be conducted pursuant to the order dated 10.11.2025 passed by this Court, the impugned notices have rightly been issued. The petitioners cannot be permitted to challenge the same, particularly since the order dated 16.4.2018 passed by the Board of Revenue concerning Khasra No. 55/1 stands confirmed by this Court vide order dated 10.11.2025. Hence, all the petitioners are bound to remove their unauthorized possession from the land bearing Khasra No. 55/1.

9. I have heard learned counsel for the parties at length and have also perused the documents annexed with the petition with

utmost circumspection.

10. From a perusal of the impugned notice(s), it is quite evident that the same was issued under Section 250 of the Code for the removal of encroachment from land bearing Khasra No. 55/1, pursuant to the order dated 10.11.2025 passed by this Court in W.P.(C) No. 4373/2023 and connected petitions as well as the order dated dated 9.6.2014 passed by this Court in Contempt Case (C) No. 389/2023. It is further evident from the order dated 10.11.2025 passed in W.P.(C) No. 4373/2023 and connected matters, that the petitioners' claim in respect of land bearing Khasra No. 55/1 was rejected by this Court and the concerned petitioners have also clearly stated that they do not wish to raise any claim concerning Khasra No. 55/1. The relevant paragraphs of the said order reads as under:

> *10. It is pertinent to mention here that records of this case also reveals that before demarcating the land bearing Khasra No.55/1, notice was issued to the petitioners and, thereafter, proceeding of demarcation had been done. The order of Board of Revenue dated 16.04.2018, whereby the order passed by the Tahsildar Korba and the Sub Divisional Officer Korba in a proceeding under Section 250 of Chhattisgarh Land Revenue Code for removal of illegal encroachment of the petitioners of Khasra No.55/1 is neither perverse nor illegal and there is no any jurisdictional error.*
>
> *11. Since, the petitioners do not want to raise any claim with regard to Khasra No.55/1, therefore, claim regarding Khasra No.55/1 is hereby rejected.*
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> *12. Considering facts of the case, nature of dispute, submissions of counsel for the parties, above writ petitions are disposed of directing the concerned respondent-authority to constitute a team and demarcate the patta land*

of the petitioners bearing Khasra No.74/1, within an outer limit of '45 days' from the date of receipt/production of copy of this order, strictly in accordance with relevant rules/law/regulation, after giving/issuing the notices to all the concerns. So that, the petitioners can rehabilitate on the said patta land, which has been allotted by the government in their favour.

11. Apparently, the claim of the petitioners in respect of land bearing Khasra No. 55/1 was rejected by this Court in W.P.(C) No. 4373/2023 and other connected petitions, which affirmed the order dated 16.4.2018 passed by the Board of Revenue. Not only this, this Court categorically held in the said order that the order dated 16.04.2018 passed by the Board of Revenue, confirming the order dated 9.6.2014 passed by the Tehsildar, Korba, and the order dated 20.4.2016 passed by the SDO(R), Korba in proceedings under Section 250 of the Code for the removal of the petitioners' encroachment from Khasra No. 55/1, suffers from neither perversity nor illegality nor is there any jurisdictional error. Furthermore, paragraphs 10 and 11 of the aforesaid order clearly reveal that the petitioners relinquished their claim regarding Khasra No. 55/1 and accordingly, their claim in respect of the said Khasra number was rejected. Further, the direction for demarcation was issued exclusively in respect of Khasra No. 74/1 and not Khasra No. 55/1. Consequently, the notice issued for the removal of encroachment from Khasra No. 55/1 cannot be termed illegal or arbitrary. Given that the order dated 10.11.2025 has attained finality and remains unchallenged, the petitioners, by no

stretch of imagination, can challenge the order/notice of eviction pertaining to land bearing Khasra No. 55/1. For ready reference, the impugned eviction notice dated 23.04.2026(WPC No.2365 of 2026) is quoted below:

न्यायालय तहसीलदार कोरबा, जिला-कोरबा(छ 0 ग 0)

//सूचना पत्र//

क्रमांक/652/तह 0/वा02026 कोरबा, दिनांक 23/04/2026

प्रति,

कन्हैया पिता पारस
राताखार कोरबा
तहसील व जिला-कोरबा(छ.ग.)

अंतर्गत धारा 250 भू0 रा0 संहिता 1959

माननीय उच्च न्यायालय छत्तीसगढ़ बिलासपुर के कंटेम्प्ट क्रमांक 389/2023 में आदेश दिनांक 15/10/2024 एवं WPC No- 4373/2023 एवं अन्य रिट याचिकाओं में निणर्य दिनांक 10/11/2025 तथा इस न्यायालय के रा.प्र.क्र. 10/अ-70/2011-12 पारित आदेश दिनांक 09/06/2014 एवं न्यायालय अनुविभागीय अधिकारी(रा0) कोरबा के अपील प्रकरण क्रमांक 57/अ-70/2013-14 पारित आदेश दिनांक 20/04/2016 तथा राजस्व मण्डल छत्तीसगढ़ बिलासपुर के प्रकरण क्रमांक आर.एन/10/191/2016 पारित आदेश दिनांक 16/04/2018 के अनुपालन में ग्राम कोरबा प 0 ह 0 नं0 16 तहसील व जिला कोरबा स्थित वादभूमि ख 0 नं0 55/1 से अवैध कब्जा हटाने हेतु आदेशित किया गया है।

अतः आपको सूचना दी जाती है कि दिनांक 08/05/2026 तक अप्राधिकृत कब्जे की भूमि से अपना अप्राधिकृत कब्जा स्वयं हटा लेवें । अन्यथा शासकीय अमले से अप्राधिकृत कब्जा हटाने की कार्यवाही की जावेगी तथा कब्जा हटाये जाने में जो भी खर्च होगा उसे भू-राजस्व के रूप में आपसे वसूली की जावेगी।

Sd/-
तहसीलदार
कोरबा (छ 0 ग 0)
CONTD.

पृ.क्रमांक/653/तह 0/वा0/2026 कोरबा, दिनांक 23/04/2026

प्रतिलिपिः-

1. कलेक्टर, जिला-कोरबा को सूचनार्थ सादर सम्प्रेषित ।
2. अनुविभागीय अधिकारी(रा0) कोरबा सूचनार्थ सादर सम्प्रेषित ।
3. थाना प्रभारी, कोतवाली कोरबा जिला- कोरबा को सूचनार्थ ।
4. राजस्व निरीक्षक/हल्का पटवारी को सूचनार्थ एवं पालनार्थ ।
5. आवेदक हरदीप सिंह पिता स्व 0 प्रीतम सिंह राजपाल निवासी कोरबा को सूचनार्थ ।

Sd/-
तहसीलदार
कोरबा (छ 0 ग 0)

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12. Once the rights of the petitioners in respect of Khasra No. 55/1 have been rejected by this Court in the above writ petition, the petitioners cannot challenge the same through a fresh writ petition. The petitioners have no legal right to the land bearing Khasra No. 55/1, as the same was never allotted to them. The petitioners were allotted land bearing Khasra No. 74/1 and hence, they must confine themselves strictly to the land bearing Khasra No. 74/1. The order passed by the Board of Revenue meticulously deals with each and every aspect of the matter. The Board of Revenue specifically held that the Commissioner, Bilaspur Division, failed to appreciate the matter in its true perspective, whereas the orders passed by the Tehsildar and the SDO(R) were found to be entirely in accordance with law. Consequently, through a detailed and reasoned order, the claim of the petitioners in respect of Khasra No. 55/1 was rejected by the Board of Revenue, the apex revenue tribunal. The

confirmation of the order dated 16.4.2018 passed by the Board of Revenue by this Court vide order dated 10.11.2025 has left no room for the petitioners to challenge the same and the matter has attained absolute finality. The petitioners, being unauthorized encroachers, are liable to be evicted from the land bearing Khasra No. 55/1.

13. It would be apt to observe here that the petitioners' case in respect of Khasra No. 55/1 has already attained finality and therefore upon the very same issue, the petitioners are precluded from re-agitating the matter as the principle of res judicata would apply. Once the matter has been decided in respect of Khasra No. 55/1, holding that the order passed by the Board of Revenue is in accordance with law, the petitioners cannot re-agitate the same in any subsequent proceeding in respect of the said Khasra Number. The rule of res judicata prevents the parties to a judicial determination from litigating the same question over again. This Court, in categorical terms, has held in W.P.(C) No. 4373/2023 and other connected petitions that the claim of the petitioners in respect of Khasra No. 55/1 cannot be considered, as the order of the Board of Revenue dated 16.4.2018 is neither perverse nor illegal and suffers from no jurisdictional error.

14. In the matter of **Securities and Exchange Board of India Vs. Ram Kishori Gupta and another** reported in **2025 SCC OnLine SC 748**, the following was held by the Hon’ble Supreme Court in para 28 :

28. *In Hope Plantations Ltd. v. Taluk Land Board [(1999) 5 SCC 590; 1998 SCC OnLine SC 947.] , a 3-Judge Bench of this court affirmed that the principle of res judicata is based on public policy and justice. It was pointed out that the rule of res judicata prevents the parties to a judicial determination from litigating the same question over again, even though the determination may be demonstrably wrong. It was held that when proceedings attain finality, parties are bound by the judgment and are estopped from questioning it. They cannot litigate again on the same cause of action, nor can they litigate any issue which was necessary for decision in the earlier litigation. It was pointed out that section 11 of the Civil Procedure Code, 1908, contains provisions of res judicata but these are not exhaustive of the general doctrine of res judicata. It was observed that the principles of res judicata would be equally applicable in proceedings before administrative authorities. Further, in Amalgamated Coalfields Ltd. v. Janapada Sabha Chhindwara [1962 SCC OnLine SC 72; 1963 Supp (1) SCR 172; AIR 1964 SC 1013.] , a Constitution Bench observed that constructive res judicata is an artificial form of res judicata and it postulates that if a plea could have been taken by a party in a proceeding between him and his opponent, he would not be permitted to take that plea against the same party in a subsequent proceeding which is based on the same cause of action. Affirming this view in Devilal Modi v. State Tax Officer [(1965) 16 STC 303 (SC); 1964 SCC OnLine SC 17; (1965) 1 SCR 686; AIR 1965 SC 1150.] , a Constitution Bench observed that this view is founded on the same considerations applicable to res judicata, because if the doctrine of constructive res judicata is not applied, it would be open to a party to take one proceeding after another and urge new grounds every time and that, plainly, would be inconsistent with considerations of public policy. Needless to state, these stellar principles*

would not only apply to the parties to a dispute but would also bind the Adjudicating Authorities seized of such dispute, be they judicial, quasi-judicial or administrative.

15. In the matter of **B.S. Lalitha and others Vs. Bhuvanesh and Others** reported in **2026 SCC OnLine SC 860**, the following was held in para 35, 39 & 42 :

35. *The provision embodies a rule of conclusiveness that is founded in considerations of public policy. It rests upon the salutary doctrine that there must be a finality to litigation, and that a party which has once succeeded or failed on an issue should not be permitted to re-agitate the same at a subsequent stage. The principle applies not only between two separate suits but also between two stages of the same litigation what is referred to as 'interlocutory res judicata.' In Satyadhyan Ghosal (supra), a three-Judge Bench of this Court in Para 8 held:*

> "*The principle of res judicata applies also as between two stages in the same litigation to this extent that a court, whether a trial court or a higher court having at an earlier stage decided a matter in one way will not allow the parties to re-agitate the matter again at a subsequent stage of the same proceedings."*

39. *We may further observe that Explanation IV to Section 11 of the CPC provides that "any matter which might and ought to have been made ground of defence or attack in such former suit shall be deemed to have been a matter directly and substantially in issue in such suit." The respondents' submission that the two applications were filed under different sub-clauses of Order VII Rule 11, the first under clause (d) alone and the second under clauses (a), (b) and (d) is of no consequence. The ground that the plaint does not disclose a cause of action [clause (a)] or is defective [clause (b)] could have been, and indeed ought to have been, raised in the first application. The mere invocation of additional sub-clauses in the second application does not take the matter outside the scope of res judicata. The substance of the issue, whether the*

> *plaint should be rejected on the ground that the suit is barred by Section 6(5) of the H.S. Act, remains the same. A party cannot circumvent the finality of an adverse order by re-framing the same challenge under a different procedural provision.*
>
> ***42.*** *The second application is a transparent attempt to re-agitate a concluded issue by dressing it in the garb of Vineeta Sharma (supra), which, as we have noted above, has no bearing on the core question decided in 2013. The issue raised in the second application was directly and substantially settled by the 2013 judgment. No different factual or legal ground was raised that takes the second application outside the scope of that settled determination. On this ground alone, the impugned order is liable to be set aside.*

16. In view of the aforementioned position of law, this Court is of the considered view that the petitioner cannot re-agitate any dispute in respect of Khasra No. 55/1, which has already been determined and the claim of the petitioner has been rejected.
17. Encroachment is an unlawful intrusion that directly undermines the rule of law and must be removed by order of the Court. The nation at large continues to suffer from the detrimental effects of illegal encroachments perpetrated by such persons. It is high time that strict judicial orders are passed against these encroachers to curb such unlawful conduct. No encroacher after finalization of eviction proceedings shall be allowed to enter the encroached land save and except permitted by the competent Court of law.
18. In the matter of **Ahmedabad Municipal Corporation Vs. Nawab Khan Gulab Khan and Others** reported in **(1997) 11 SCC 121**, the following was held by the Hon'ble Supreme Court in para 30 :

> ***30.*** *Encroachment of public property undoubtedly obstructs and upsets planned development, ecology*

and sanitation. Public property needs to be preserved and protected. It is but the duty of the State and local bodies to ensure the same. This would answer the second question. As regards the fourth question, it is to reiterate that judicial review is the basic structure of the Constitution. Every citizen has a fundamental right to redress the perceived legal injury through judicial process. The encroachers are no exceptions to that constitutional right to judicial redressal. The constitutional court, therefore, has a constitutional duty as sentinel on the qui vive to enforce the right of a citizen when he approaches the court for perceived legal injury, provided he establishes that he has a right to remedy. When an encroacher approaches the court, the court is required to examine whether the encroacher had any right and to what extent he would be given protection and relief. In that behalf, it is the salutary duty of the State or the local bodies or any instrumentality to assist the court by placing necessary factual position and legal setting for adjudication and for granting/refusing relief appropriate to the situation. Therefore, the mere fact that the encroachers have approached the court would be no ground to dismiss their cases. The contention of the appellant-Corporation that the intervention of the court would give impetus to the encroachers to abuse the judicial process is untenable. As held earlier, if the appellant-Corporation or any local body or the State acts with vigilance and prevents encroachment immediately, the need to follow the procedure enshrined as an inbuilt fair procedure would be obviated. But if they allow the encroachers to remain in settled possession sufficiently for a long time, which would be a fact to be established in an appropriate case, necessarily suitable procedure would be required to

be adopted to meet the fact-situation and that, therefore, it would be for the respondent concerned and also for the petitioner to establish the respective claims and it is for the court to consider as to what would be the appropriate procedure required to be adopted in the given facts and circumstances.

19. In light of the foregoing factual matrix, the principles laid down in the aforesaid judgment, the concurrent findings of the concerned revenue authorities and the binding and conclusive adjudication rendered by this Court in W.P.(C) No. 4373/2023 and connected petitions vide order dated 10.11.2025, this Court is of the opinion that the challenge mounted by the petitioners against the eviction notices dated 23.04.2026 is wholly devoid of merit, vexatious and an abuse of the process of law. The petitioners having unequivocally relinquished their claims regarding Khasra No. 55/1 and the order dated 10.11.2025 having attained absolute finality, no legal impediment exists to forestall the execution of the lawful eviction proceedings. Accordingly, the writ petitions, being an untenable attempt to re-litigate a settled issue and evade statutory consequences, are liable to be dismissed and the authorities are fully empowered to proceed with the immediate clearance of the unauthorized encroachment in accordance with law.

20. Under these circumstances, the petitioners can no longer justify their illegal encroachment, thus, the impugned notices have been rightly issued and the petitioners are required to vacate their unauthorized encroachment upon the land bearing Khasra No.

55/1.

21. Having regard to the ongoing festival of Deepawali, the petitioners are hereby granted a final grace period of 15 days to remove the encroachment. Upon the expiration of the said 15 days, the authorities are directed to remove the encroachment forthwith, without any further notice or reference in this regard, particularly since this Court, vide its order dated 10.11.2025 passed in WPC No.4373/2023 and other connected petitions, has already rejected the claim of the petitioners.

22. Accordingly, both the Writ Petitions are **dismissed** with no order as to costs.

23. The Respondents/authorities are directed to execute the impugned eviction orders upon the expiration of the 15 days grace period granted herein, in strict accordance with law.

Sd/-

(Amitendra Kishore Prasad)
Judge

Shyna Ajay

WPC No. 2365 of 2026 and WPC No. 2367 of 2026

HEAD NOTE

The principle of conclusiveness is rooted in public policy and is premised on the need to ensure finality in litigation. Accordingly, a party who has once succeeded or failed on a particular issue cannot be permitted to reopen or re-agitate the same issue in subsequent proceedings.