CGHC010190522017 2026:CGHC:43810

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 1656 of 2017

1 - Suresh Chand Tiwari S/o Late S. Tiwari, Aged About 56 Years R/o Plot No. 529/3, Tiwari Firm House, Dadar, Korba, Distt. Korba Chhattisgarh, Chhattisgarh

KUNAL DEWANGAN

Digitally signed by KUNAL DEWANGAN

2 - Smt. Sudha Tiwari, W/o. Dr. S. C. Tiwari, Aged About 51 Years R/o Parsuram Nagar, Dadar Nala, Tahsil And District Korba Chhattisgarh, District : Korba, Chhattisgarh

--- **Petitioner(s)**

versus

1 - State Of Chhattisgarh Through Secretary, Revenue Department, Mahanadi Bhawan, Mantralay, New Raipur, Dist. Raipur Chhattisgarh, Chhattisgarh

2 - The Collector, Korba, District Korba, Chhattisgarh., District : Korba, Chhattisgarh

3 - Sub Divisional Officer, Korba, District Korba, Chhattisgarh., District : Korba, Chhattisgarh

4 - Municipal Corporation, Korba, Through Commissioner Korba, District Korba Chhattisgarh, District : Kondagaon, Chhattisgarh

5 - Tahsildar Nazul, Korba, District Korba, Chhattisgarh., District : Korba, Chhattisgarh

--- **Respondent(s)**

WPC No. 1312 of 2017

1 - Swapnil Dubey S/o Deepak Kumar Dubey, Aged About 10 Years Minor Through His Guardian/ Grand Father Namely Narendra Kumar Dubey, S/o Late Madanlal Dubey, Aged About 57 Years, R/o Shivaji Nagar, Korba, District Korba Chhattisgarh., Chhattisgarh

2 - Satyam Dubey, S/o Deepak Kumar Dubey, Aged About 8 Years Minor Through His Guardian/ Grand Father Namely Narendra Kumar Dubey, S/o Late Madanalal Dubeh, Aged About 57 Years, R/o Shivaji Nagar, Korba District Korba Chhattisgarh., District : Korba, Chhattisgarh

---**Petitioner(s)**

Versus

1 - State Of Chhattisgarh Through Secretary, Revenue Department, Mahanadi Bhawan, Mantralaya, Capital Complex, New Raipur, District Raipur Chhattisgarh., Chhattisgarh

2 - Collector, Korba, District Korba Chhattisgarh., District : Korba, Chhattisgarh

3 - Sub Divisional Officer Revenue , Korba, District Korba Chhattisgarh., District : Korba, Chhattisgarh

4 - Tahsildar Nazul , Korba, District Korba Chhattisgarh., District : Korba, Chhattisgarh

5 - Revenue Inspector, Korba, District Korba Chhattisgarh., District : Korba, Chhattisgarh

6 - Municipal Corporation, Korba, Through Its Commissioner, Municipal Corporation, Korba, District Korba Chhattisgarh., District : Korba, Chhattisgarh

--- **Respondent(s)**

WPC No. 1309 of 2017

Smt. Sudha Tiwari W/o Dr. S. C. Tiwari, Aged About 51 Years R/o Parsuram Nagar, Dadar Nala, Tahsil And District Korba Chhattisgarh., Chhattisgarh

---**Petitioner(s)**

Versus

1 - State Of Chhattisgarh Through Secretary, Revenue Department, Mahanadi Bhawan, Mantralaya, Capital Complex, New Raipur, District Raipur Chhattisgarh., Chhattisgarh

2 - Collector, Korba, District Korba Chhattisgarh., District : Korba, Chhattisgarh

3 - Sub Divisional Officer Revenue , Korba, District Korba Chhattisgarh., District : Korba, Chhattisgarh

4 - Tahsildar Nazul , Korba, District Korba Chhattisgarh., District : Korba, Chhattisgarh

5 - Revenue Inspector, Korba, District Korba Chhattisgarh., District : Korba, Chhattisgarh

6 - Municipal Corporation, Korba, Through Its Commissioner, Municipal Corporation, Korba, District Korba Chhattisgarh., District : Korba, Chhattisgarh

--- **Respondent(s)**

WPC No. 1315 of 2017

Bhagwan Sharan Singh S/o Late Ram Iqbal Singh, Aged About 44 Years R/o Parsuram Nagar, Dadar Nala, Tahsil And District Korba Chhattisgarh., Chhattisgarh

---**Petitioner(s)**

Versus

1 - State Of Chhattisgarh Through Secretary, Revenue Department, Mahanadi Bhawan, Mantralaya, Capital Complex, New Raipur, District Raipur Chhattisgarh., Chhattisgarh

2 - Collector, Korba, District Korba Chhattisgarh., District : Korba, Chhattisgarh

3 - Sub Divisional Officer Revenue , Korba, District Korba Chhattisgarh., District : Korba, Chhattisgarh

4 - Tahsildar Nazul , Korba, District Korba Chhattisgarh., District : Korba, Chhattisgarh

5 - Revenue Inspector, Korba, District Korba Chhattisgarh., District : Korba, Chhattisgarh

6 - Municipal Corporation, Korba, Through Its Commissioner, Municipal Corporation, Korba, District Korba Chhattisgarh., District : Korba, Chhattisgarh

--- **Respondent(s)**

WPC No. 1319 of 2017

Smt. Kavita Tripathi W/o. Arun Tripathi, Aged About 32 Years R/o. Parsuram Nagar, Dada Nala, Tahsil And District Korba Chhattisgarh, Chhattisgarh

---**Petitioner(s)**

Versus

1 - State Of Chhattisgarh Through Secretary, Revenue Department, Mahanadi Bhawan, Mantralaya, Capital Complex, New Raipur, District Raipur Chhattisgarh, Chhattisgarh

2 - Collector, Korba, District Korba, Chhattisgarh., District : Korba, Chhattisgarh

3 - Sub Divisional Officer Revenue, Korba, District Korba, Chhattisgarh., District : Korba, Chhattisgarh

4 - Tahsildar Nazul, Korba, District Korba, Chhattisgarh., District : Korba, Chhattisgarh

5 - Revenue Inspector, Korba, District Korba, Chhattisgarh., District : Korba, Chhattisgarh

6 - Municipal Corporation, Korba, Through Its Commissioner, Municipal Corporation, Korba, District Korba Chhattisgarh, District : Korba, Chhattisgarh

... Respondent(s)

For respective Petitioners	: Mr. Anand Bajad, Advocate, Mr. Aditya Dhar Diwan, Advocate, Mr. Tejasva Deo, Advocate.
For State	: Mr. Keshav Gupta, Govt. Advocate.
For respective respondents.	: Mr. Anuroop Panda, Advocate.

Hon'ble Shri Rakesh Mohan Pandey, Judge

Order on Board

09.10.2026

1. Petitioners have filed these writ petitions assailing the show-cause notices issued by the Tehsildar (Nazul), Korba alleging that demarcation was done without affording them opportunity of hearing.

2. Learned counsel appearing on behalf of the respective petitioners submit that petitioners have raised superstructures on their own lands and there is no encroachment upon any government land. They further submit that demarcation was conducted in absence of the petitioners and other affected parties whereas the authorities

ought to have carried out the demarcation in presence of the petitioners and identified the encroachment and unauthorized construction, if any. They contend that respondent authorities are trying to insist that the order passed in WPPIL No. 23 of 2017 has cleared the way for demolishing the superstructures raised by the petitioners. They further contend that a direction may be issued to the respondent authorities to demarcate the land of the petitioners as well as the land of drainage Dadar Khurd, Korba before proceeding with any demolishion drive.

3. On the other hand, learned counsel appearing for the respective respondents submit that petitioners have raised superstructures over the Nala from Ravi Shankar Nagar to Gram Dadar in Korba city and the Tehsildar (Nazul), Korba justified in issuing the respective show-cause notices. They further submit that these petitions are misconceived and liable to be dismissed.

4. I have heard learned counsel for the parties and perused the material available on the record with utmost circumspection.

5. Admittedly, order passed by the Hon'ble Division Bench in WPPIL No. 23 of 2017 forms part of record wherein their lordships took note of the fact that illegal encroachment over the Nala adversely affected the draining of rain water causing flood-like situation in Kosabadi, Ravi Shankar Shukla Nagar, T.P. Nagar and Niharika Colony. Their lordships directed the State Government as well as Municipal Corporation, Korba to ensure proper and free flow of water in the Nala (drain).

6. Taking into consideration the above-discussed facts, these

petitions are hereby being disposed directing Tehsildar (Nazul), Korba to conduct fresh demarcation of the land of the petitioners as well as the land of drainage within period of seven days from the date of receipt of copy of this order.

7. With the aforesaid direction, these petitions stand **disposed**.

8. However, it is expected that the authority concerned shall afford due opportunity of hearing to the petitioners and other interested parties and in case, the petitioners are found to be the encroachers, authority concerned would be at liberty to proceed strictly in accordance with law.

Sd/-
(Rakesh Mohan Pandey)
Judge

Kunal/Ajinkya