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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 2831 of 2022

1 - Suraj Dongre S/o Shri Mansharam Dongre Aged About 38 Years R/o Village-Bendridih, Gram Panchayat, Malidih, Post And P.S.- Tumgaon, Tahsil And District Mahasamund Chhattisgarh.

2 - Smt. Padmani Dongre W/o Suraj Dongre, Aged About 33 Years R/o Village-Bendridih, Gram Panchayat, Malidih, Post And P.S. Tumgaon, Tahsil And District Mahasamund Chhattisgarh.

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through The Secretary, Revenue And Disaster Management Department, Mahanadi Bhawan, Mantralaya, Nawa Raipur Chhattisgarh.

2 - The Collector, District-Mahasamund Chhattisgarh.

3 - The Sub Divisional Officer (Revenue) Mahasamund, District Mahasamund Chhattisgarh.

4 - The Tahsildar, Mahasamund, District Mahasamund Chhattisgarh

5 - The Naib Tahsildar Patewa, District Mahasamund Chhattisgarh.

6 - Sarpanch, Gram Panchayat, Malidih, Tahsil And District - Mahasamund Chhattisgarh

7 - The Secretary, Gram Panchayat, Malidih, Tahsil And District Mahasamund Chhattisgarh.

8 - Bhagwat Prasad Jaiswal, Posted As Sub-Divisional Officer (Revenue), Mahasamund, District Mahasamund Chhattisgarh.

9 - Premu Sahu, Posted As Tahsildar Mahasamund, District Mahasamund Chhattisgarh.

10 - Kshirsagarnath Baghel, Posted As Naib Tahsildar, Patewa, District Mahasamund Chhattisgarh.

11 - Arvind Chandrakar Posted As Patwari, P.H. No. 7, Resident Of Kurmipara, Tahsil And District - Mahasamund Chhattisgarh.

... Respondent(s)

For Petitioner(s)	:	Shri Bharat Rajput, Advocate.
For State/respondent	:	Shri Praveen Das, Addl AG.
For Respondent No.8	:	Shri Vivek Verma, Advocate.
For Respondent No.9	:	Shri Rajendra Patel, Advocate.
For Respondent No.11	:	Shri Sudhir Kumar Sahu, Advocate.

Hon'ble Mr. Justice Amitendra Kishore Prasad
Order on Board

05/10/2026

1. Instant Writ Petition has been filed against the illegal demolition of house & small shop of petitioners constructed upon Abadi land bearing khasra no.164 admeasuring area 2450 sq.ft. situated at Village Bendridih, P.H.No. 7, R.I.C.-Patewa, Tahsil & District-Mahasamund (C.G.), which took place on 03.06.2022. The house & small shop of petitioners have been demolished by the respondents without affording any opportunity of hearing, without serving any notice, without providing any opportunity to remove the household articles.

2. Learned counsel for the petitioners submits that admittedly the petitioners are encroachers on the subject land, however, while removing the encroachment of the petitioner, the petitioners were not given any opportunity of hearing as such, the manner in which the demolition of the superstructure of the petitioners took place requires scrutiny and appropriate orders for disciplinary action against the erring officers i.e. Respondent Nos.3 to 5 & 11 be passed. Further, petitioners are also deserving of the compensation for illegal demolition of their

house and shops constructed upon *abadi* land.

3. Learned State counsel at the first instance submits that the petitioners are encroachers on the subject land and they have been given opportunity of hearing which is very well reflected from the order sheet dated 29.09.2021 passed by Naib Tehsildar, Patewa, District Mahasamund C.G. in which, petitioners have admitted that they have encroached upon the subject land and the said order specifically speaks about the fact that petitioners have appended their signature while giving such a statement and on 22.09.2021, a show cause notice in this respect was also directed to be issued, as such, the petitioners have already admitted that they have encroached upon the government land bearing Khasra No.164 area 0.24 hectares situated at village Bendridih, District Mahasamund C.G. Thus, the contention raised by the petitioners that they have not been given opportunity of hearing is baseless. Apart from this, if the petitioners still persist on the relief of compensation, the proper course for that would be to go before appropriate civil jurisdictional court.

4. Learned counsel for Respondent No.8 submits that so far as the relief of compensation in respect of alleged illegal demolition is concerned, the same should be sought in a civil court not before this Court under Article 226 of the Constitution of India.

5. Learned counsel for Respondent No.9 submits that there was no *malafide* intention behind the demolition exercised against the

petitioner. Respondent No.9 was only discharging his official duties, however, impleading the said respondent by his name in this petition was unnecessary.

6. None for Respondent No.10- Naib Tehsildar.

7. Learned counsel for Respondent No.11 supports the submission put forth by counsel for Respondent No.9.

8. I have heard counsel for the parties, considered their submissions and perused the documents annexed with the petition.

9. From the material available on record, it is apparent that the petitioners were occupying the subject land by way of encroachment. The petitioners themselves do not dispute their status as encroachers. The principal grievance raised by them is that, notwithstanding their status as encroachers, the demolition was carried out without affording them an opportunity of hearing.

10. The aforesaid submission, however, does not find support from the record. The show-cause notice dated 22.09.2021 and the order sheet dated 29.09.2021 clearly demonstrate that proceedings were initiated against the petitioners in respect of the encroachment. The order sheet further records the statement of the petitioners acknowledging the encroachment, and the document bears their signatures. The report submitted by the concerned Patwari also supports the position that the petitioners were in unauthorized occupation of the subject land.

11. In view of the aforesaid material, it cannot be held that the petitioners were deprived of an opportunity of hearing. Once the record establishes that a show-cause notice was issued and the petitioners participated in the proceedings and acknowledged the encroachment, the consequential action taken by the revenue authorities for removal of the encroachment cannot, in the facts of the present case, be said to be without authority or in violation of the principles of natural justice.

12. So far as the claim for compensation on account of demolition of the house and shop is concerned, adjudication of such claim would require determination of disputed questions of fact, including the nature and extent of the alleged loss, the circumstances in which the demolition was carried out, and the legality of the manner in which the demolition was effected. Such disputed questions of fact cannot appropriately be adjudicated in exercise of the writ jurisdiction under Article 226 of the Constitution of India. The petitioners are, therefore, at liberty to avail such appropriate remedy as may be available to them in accordance with law.

13. Insofar as the amendment application filed by the petitioners on 28.09.2026 is concerned, whereby the petitioners seek to incorporate a prayer for setting aside the order dated 29.09.2021, this Court finds that permitting such amendment would serve no useful purpose. In view of the finding recorded hereinabove that the petitioners were duly noticed and were found to be encroachers upon the subject land, no

effective relief can be granted to them even after allowing the proposed amendment. The amendment application is, accordingly, rejected.

14. This Court also finds that the revenue authorities, namely, Respondent Nos. 8 to 11, have been impleaded by their personal names/designations. No specific material has been brought on record to establish any personal mala fide or individual liability on their part warranting the grant of any relief against them in their personal capacity. Accordingly, no relief can be granted against the said respondents individually.

15. For the foregoing reasons, this Court finds no merit in the writ petition. The petitioners have failed to establish that the demolition action was undertaken without notice or opportunity of hearing. The challenge to the consequential action, therefore, does not warrant interference in exercise of the writ jurisdiction of this Court.

16. Accordingly, the writ petition is **dismissed**. The amendment application dated 28.09.2026 also stands **rejected**. However, insofar as the claim for compensation is concerned, the petitioners shall be at liberty to avail such remedy before the competent forum as may be available to them in accordance with law.

Sd/-

(Amitendra Kishore Prasad)
Judge

Avinash