CGHC010253932023 2026:CGHC:45606

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 3541 of 2023

Yogesh Kumar Sahu S/o Punit Ram Sahu, Caste Teli, Aged About 40 Years, R/o Village Aamvari, Tehsil Charama, District Kanker Chhattisgarh.

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through The Secretary- Revenue Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh.

2 - The Commissioner, Bastar Division, Jagdalpur, District Bastar Chhattisgarh.

3 - Sub- Divisional Officer (Revenue), Charama, District North Bastar Kanker Chhattisgarh.

4 - Tehsildar, Charama, District North Bastar Kanker Chhattisgarh.

5 - Ram Singh S/o Renjwa Aged About 50 Years R/o Village Aanwari, Tehsil Charama, District North Bastar Kanker Chhattisgarh.

6 - Chaitu Ram S/o Renjwa, Aged About 46 Years R/o Village Aanwari, Tehsil Charama, District North Bastar Kanker Chhattisgarh.

... Respondent(s)

(Cause Title downloaded from CIS Periphery)

SHYNA AJAY
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For Petitioner(s)	:	Mr. Tapan Kumar Chandra, Advocate
For Respondent/State	:	Mr. Anmol Sharma, Panel Lawyer
For Respondent No.5		Mr. DN Prajapati, Advocate

SB: Hon’ble Mr. Justice Amitendra Kishore Prasad

Order on Board

28/10/2026

1. By way of this petition, the petitioner seeks the following reliefs :

> *10.1 That, this Hon'ble Court may kindly be pleased to set aside the impugned order dated 22-03-2023 (Annexure P-1) passed by the Board of Revenue.*
>
> *10.2 That, the Hon'ble court may kindly be please the direct to respondent authorities to vacate the land of the petitioner from the illegal encroachment made by respondent No. 5 and 6, in the interest of justice.*
>
> *10.3 That the Hon'ble Court further pleased to grant such other relief(s) as may be deemed fit and proper in the interest of justice and fair play.*

2. Brief facts of the case, as projected by the petitioner, are that on 31.12.2019, the petitioner, who is the owner of the land bearing Khasra No.375/2 Raqba 0.19 hec. situated at Village Charama, filed an application under Section 250 of the C.G. Land Revenue

Code (in short “the Code”) before the Tehsildar for demarcation of his land. On receipt of the demarcation report by the Revenue Inspector (Annexure P/3), the Tehsildar dismissed the application on 29.10.2020 on the ground that the private respondents had been in possession for 30-35 years. The petitioner's subsequent statutory challenges i.e. a first appeal before the concerned SDO(R) and a second appeal before the Commissioner came to be dismissed and ultimately, a revision preferred before the Board of Revenue was also dismissed. It is contended that during the proceedings, Respondent Nos. 5 and 6 expanded their encroachment by attempting temporary construction (bird farm), leading the Tehsildar to issue stay orders dated 31.12.2019 and 20.01.2022. Furthermore, a Certificate dated 22.02.2022 issued by Gram Panchayat Aanvari affirms the ownership of the petitioner and states that the encroachment occurred only 2 to 2½ years prior. Hence, this Petition.

3. Learned counsel for the petitioner submits that the petitioner is challenging the order dated 22.03.2023, whereby the revision preferred by the petitioner before the Board of Revenue was dismissed on the ground that the respondents have been in occupation of the land in question for 35 years and the petitioner did not file the application under Section 250 of the Code within two years of dispossession, rendering the application non-maintainable.

4. At this stage, learned counsel for Respondent No. 5 submits that the petitioner has already instituted a civil suit for declaration of title and possession filed way back on 12.09.2023. He submits that since the dispute is already subjudice before the competent Civil Court, the petitioner ought to pursue his remedies before the Civil Court instead.

5. Heard learned counsel for the parties and also perused the documents annexed with the petition with utmost circumspection.

6. Considering the facts and circumstances of the case, this Court is of the opinion that since the petitioner has already instituted a civil suit, the petitioner is relegated to pursue his remedies before the concerned Civil Court. Accordingly, no interference is warranted with the impugned order, which is perfectly just and proper.

7. Consequently, the Writ Petition is dismissed. However, the petitioner is at liberty to pursue the pending civil suit for declaration of title and possession. It is made clear that any observations made by the revenue courts or by this Court shall not bind the concerned Civil Court, which shall proceed to adjudicate the matter on its own merits in accordance with law.

Sd/-

(Amitendra Kishore Prasad)
Judge