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CGHC010274792021 2026:CGHC:43489

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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 4456 of 2021

Shriram S/o Late Kuber Aged About 60 Years, R/o Village And Post Tiwaragudi, P. S. Ramanujnagar, District Surajpur Chhattisgarh

--- **Petitioner(s)**

versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Revenue, Mahanadi Bhawan, Naya Raipur District Raipur Chhattisgarh

2 - The Collector District Surajpur Chhattisgarh

3 - The Sub Divisional Officer (Revenue) Ramanujnagar, District Surajpur Chhattisgarh

4 - The Tahsildar Ramanujnagar, District Surajpur Chhattisgarh

5 - Gram Panchayat Tiwaragudi, P. S. Ramanujnagar, District Surajpur Chhattisgarh Through The Sarpanch Shambhu Singh,

6 - Secretary Gram Panchayat Tiwaragudi, P. S. Ramanujnagar, District Surajpur Chhattisgarh

7 - Chief Executive Officer Janpad Panchayat Ramanujnagar, District Surajpur Chhattisgarh Ved Prakash Gupta,

--- **Respondent(s)**

WPC No. 4458 of 2021

Amarnath S/o Late Kuber Aged About 66 Years, R/o Village And Post Tiwaragudi, P.S. Ramanujnagar, District- Surajpur, Chhattisgarh, District : Surajpur, Chhattisgarh

---**Petitioner(s)**

Versus

1 - State Of Chhattisgarh Through- The Secretary, Department Of Revenue, Mahanadi Bhawan, Naya Raipur, Chhattisgarh, District : Raipur, Chhattisgarh

2 - The Collector, District- Surajpur, Chhattisgarh, District : Surajpur, Chhattisgarh

3 - The Sub Divisional Officer (Revenue), Ramanujnagar, District- Surajpur, Chhattisgarh, District : Surajpur, Chhattisgarh

4 - The Tahsildar, Ramanujnagar, District Surajpur, Chhattisgarh, District : Surajpur, Chhattisgarh

5 - Gram Panchayat, Tiwaragudi, Tahsil Ramanujnagar, District Surajpur, Chhattisgarh, Through- The Sarpanch, Shambhu Singh, District : Surajpur, Chhattisgarh

6 - Secretary, Gram Panchayat, Tiwaragudi, Tahsil Ramanujngar, District- Surajpur, Chhattisgarh, District : Surajpur, Chhattisgarh

7 - Chief Executive Officer, Janpad Panchayat, Ramanuj-Ngar, District Surajpur, Chhattisgarh, District : Surajpur, Chhattisgarh

--- **Respondent(s)**

WPC No. 4464 of 2021

Mohar Say S/o Late Kuber Aged About 64 Years, R/o Village And Post Tiwaragudi, P. S. Ramanujnagar, District Surajpur Chhattisgarh

---**Petitioner(s)**

Versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Revenue, Mahanadi Bhawan, Naya Raipur District Raipur Chhattisgarh

2 - The Collector District Surajpur Chhattisgarh

3 - The Sub Divisional Officer (Revenue) Ramanujnagar, District Surajpur Chhattisgarh

4 - The Tahsildar Ramanujnagar, District Surajpur Chhattisgarh

5 - Gram Panchayat Tiwaragudi, P. S. Ramanujnagar, District Surajpur Chhattisgarh Through The Sarpanch Shambhu Singh,

6 - Secretary Gram Panchayat Tiwaragudi, P. S. Ramanujnagar, District Surajpur Chhattisgarh

7 - Chief Executive Officer Janpad Panchayat Ramanujnagar, District Surajpur Chhattisgarh Ved Prakash Gupta,

--- **Respondents**

(Cause title is downloaded from CIS Periphery.)

For Petitioners	:	Mr. Ashok Kumar Shukla, Advocate
For State	:	Mr. Shobhit Mishra, Dy. G.A.
For Respondent Nos. 5, 6 & 7	:	Ms. Priyanka Rai, Advocate on behalf of Mr. Shashank Thakur, Advocate

SB: Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

07.10.2026

1. Since all these writ petitions raise similar grievances, and complaints regarding alleged encroachments by the respective petitioners have been made by Gram Panchayat, Tiwaragudi, Tahsil Ramanujnagar, District Surajpur (C.G.), all the matters are being heard analogously. In all the writ petitions, the petitioners have challenged the proceedings for removal of alleged encroachments and demolition of their residential houses, contending that such proceedings are being carried out illegally, without issuing proper notices and without affording them an opportunity of hearing or filing their replies. Further, the petitioners have contended that the Tahsildar is not the competent authority to initiate proceedings under Section 248 of the Chhattisgarh Land Revenue Code, 1959 (for short, "the Code

of 1959”). The proceedings were initiated by the Tahsildar, Ramanujnagar, District Surajpur (C.G.), vide order dated 21.07.2021, on the ground that the petitioners had encroached upon land recorded as *“Chhote Jhad Ke Jungle”* (small forest). Accordingly, show-cause notices were issued to the petitioners. In sum and substance, the petitioners in all the writ petitions have sought the following reliefs:–

> *10.1 That, this Hon'ble Court may graciously be pleased to issue a writ of mandamus/prohibition or of like nature to quash the entire proceeding pending before the Tahsildar and further to restrain/prevent the respondents from demolishing the houses of the petitioners and from removing his settled possession over the disputed land and houses and no coercive step should be taken against the petitioners.*
>
> *10.2 That, a command/direction may kindly be issued to the respondents to produce the entire records pertaining to the case of the petitioners for kind perusal of this Court.*
>
> *10.3. Any other relief/relief's, which this Hon'ble Court may think fit and proper in the facts and circumstances of the case, with cost of the petition, may also please be granted to the petitioners.”*

2. The brief facts of the case are that the petitioners are landless persons who have been in occupation of certain Government land for the last 40–45 years and have been cultivating the same. They have also constructed residential houses over the said land.

The land in question forms part of Khasra No. 1400, out of which areas measuring 0.40, 34.29 and 34.29 hectares respectively, are stated to be under the occupation of the petitioners. Proceedings for removal of the encroachment were initiated by the concerned Tahsildar; however, the petitioners continued in possession of the land. In view of their long-standing possession and the existence of residential houses over the land, the petitioners submitted an application before the Collector seeking allotment/settlement of the said land in their favour. As no action was taken by the Collector on the said application, the petitioners subsequently submitted another application seeking redressal of their grievances. The petitioners allege that the Sarpanch and the Secretary of the Gram Panchayat, owing to their personal grudge against the petitioners, have conspired to usurp the land in question by passing a resolution of the Gram Panchayat to designate the same as grazing land for the cattle of the village. In the meantime, the Halka Patwari submitted a report to the Collector regarding the status of the land in question. Pursuant to the encroachment proceedings, the Tahsildar again issued a show-cause notice to the petitioners and on the same day, proceedings under Section 248 of the Chhattisgarh Land Revenue Code, 1959 were initiated against them. The petitioners further allege that the Sarpanch and the Secretary of the Gram Panchayat are harassing them on account of their personal grudge and have devised a plan to dispossess them by

converting the land in their occupation into grazing land. It is further contended that grazing land has already been reserved for the village at another location. Despite this, the Sarpanch and the Secretary are proceeding to earmark the petitioners' land for use as grazing land. In this regard, the petitioner has also submitted a complaint before the Superintendent of Police, Surajpur. Hence, the present petition.

3. Mr. Ashok Kumar Shukla, learned counsel for the petitioners, submits that the petitioners are in occupation of the land in question, which is admittedly government land recorded in the name of the State Government. However, since they have been in possession of the said land for more than three to four decades, they may not be dispossessed from their respective portions of the land. It is further submitted that the petitioners, being landless persons, have already filed applications before the concerned Collector seeking settlement of the land in their favour. Learned counsel further submits that the concerned Tahsildar cannot initiate proceedings under Section 248 of the Act of 1959, at the behest of the Sarpanch of the concerned Gram Panchayat. The petitioners have constructed their residential houses on the land in question and have been residing therein. Therefore, the proceedings initiated by the concerned Tahsildar are liable to be quashed.

4. On the other hand, learned counsel for the State submits that the petitioners are encroachers and have no vested rights over the land in question. He further submits that long-standing possession cannot be construed as lawful possession, particularly when the land in question admittedly belongs to the Government and the petitioners are occupying the same as encroachers. Therefore, the proceedings initiated by the concerned Tahsildar under Section 248 of the Act of 1959, are in accordance with law. It is further submitted that the land in question has been proposed to be used as *Gauchar* and *Charagah* land and as such, the petitioners cannot claim any right to remain in possession thereof. Accordingly, learned counsel for the State submits that the writ petitions are devoid of merit and are liable to be dismissed at the threshold.

5. Learned counsel appearing for respondent Nos. 5, 6 and 7 has also submitted that the petitioners are encroachers who have illegally encroached upon the land belonging to the State Government. The land situated at Village Tiwaragudi is government land recorded as *“Chhote Jhad Ke Jungle”* under the relevant revenue records and is subject to the provisions of the Forest Rights Act, 2006 (for short, “the Act of 2006”). She further submits that, pursuant to an application filed by the Gram Panchayat, the proceedings under the Act of 2006 were initiated, and the competent authority granted Community Forest Rights over the said piece of land to Gram Panchayat, Tiwaragudi, for

Nistar purposes (Charagah land), on the basis of a resolution passed by the Gram Panchayat. The Gram Panchayat also passed a resolution proposing the fencing of the said land to protect and secure it for use as Charagah land. Learned counsel further submits that the revenue authorities have rightly initiated proceedings under Section 248 of the Act of 1959 at the instance of the concerned Gram Panchayat and the same do not warrant interference. The Gram Panchayat on the basis of its resolution and proposal to declare the land as Charagah land, has acted in accordance with law and the concerned Tahsildar has rightly initiated proceedings under Section 248 of the Act of 1959. She further submits that the petitioners, being encroachers, have no vested rights over the land designated for *Gauchar* and Charagah purposes. They are, therefore, not entitled to seek settlement of the said land in their favour or claim any other relief in respect thereof. Accordingly, learned counsel submits that the writ petitions are bereft of merit and are liable to be dismissed.

6. Having heard the submissions advanced by learned counsel for the parties and upon perusal of the records, it appears that the petitioners are in occupation of government land. Although they claim to have been residing on the said land for the last three to four decades, their long-standing possession is not substantiated by the relevant documents. However, it appears that the petitioners have constructed their residential houses and are carrying out agricultural activities on the land in question. It

further appears that the concerned Gram Panchayat has passed a resolution and forwarded a proposal for designating the land in question as *Gauchar* and Charagah land so that cattle may graze thereon. On the basis of the said proposal, the concerned revenue authority i.e, the Tahsildar, has initiated proceedings under Section 248 of the Act of 1959. It also appears that, upon gaining knowledge of the said proposal, the petitioners submitted applications before the concerned Collector, stating that they are landless persons and have been carrying out agricultural activities on the land in question for a long time. Accordingly, they sought settlement of the said land in their favour and the said applications are pending consideration. In the meanwhile, the petitioners filed the present writ petitions, wherein this Court, vide order dated 09.11.2021, observed that as per the report of the Halka Patwari, the petitioners appeared to be in occupation of the land in question for a long time. The said report was based on the statements made by the petitioners and other villagers. Although the petitioners' claim of long-standing possession may not be conclusively established, it appears that they are in possession of the land in question, where they have constructed their residential houses and are carrying out agricultural activities. It further appears that the petitioners had submitted applications seeking settlement of the land before the concerned Collector on 22.06.2021 and 04.03.2020, respectively and the same are still pending consideration. In view of the order dated 09.11.2021

passed by this Court, the proceedings for eviction of the petitioners from the land in their possession have remained stayed. In view of the aforesaid facts and circumstances, the concerned authorities, especially the Collector, are directed to consider the applications submitted by the petitioners seeking settlement of the land in question in their favour on the ground that they are landless persons and have been in occupation of the said land for a long time. The concerned Collector shall call for the necessary reports from the concerned Sub-Divisional Officer (Revenue) and the Tahsildar and thereafter, pass appropriate orders on the applications seeking settlement of the land in question, strictly in accordance with law. The petitioners are directed to submit appropriate applications along with all relevant documents before the concerned Collector **within a period of 30 days** from the date of receipt of a copy of this order. Upon receipt of the applications, the concerned Collector shall consider each application on its own merits, without being influenced by any observations made by this Court in the present writ petitions and pass appropriate orders in accordance with law **within a further period of 90 days.**

7. For the aforesaid period of 90 days, the concerned authorities are directed not to take any coercive steps against the petitioners for their eviction from the land in question. The interim order dated 09.11.2021 whereby the proceedings for eviction of the petitioners from the land in their possession were stayed until the

next date of hearing, is modified, the authorities are now directed to conclude the proceeding within the aforesaid period.

8. It is made clear that this Court has not expressed any opinion on the merits of the claims made by the petitioners for settlement of the land in question. The concerned authorities shall be at liberty to pass appropriate orders strictly in accordance with law. They shall independently examine the case of each petitioner and if necessary, record evidence of the parties before passing appropriate orders.

9. With the aforesaid observations and directions, all the writ petitions stand **disposed of.**

SD/-
(**Amitendra Kishore Prasad**)
Judge

AMIT PATEL