CGHC010293862023 2026:CGHC:43280

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 4010 of 2023

Ramesh Kumar Gyanchandani S/o Late Shri Lehrumal Aged About 62 Years R/o Shubhash Chowk, Tilda, Nevra, Distt. Raipur (C.G.)

... Petitioner

versus

1 - State Of Chhattisgarh Through Secretary, Revenue And Disaster Management Department, Mahanadi Bhawan, Atal Nagar, Raipur, Distt. Raipur (C.G.)

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

3 - Sub Divisional Officer (Revenue) Tilda, Nevra, Distt. Raipur (C.G.)

4 - Tahsildar (Nazool) Raipur, Distt. Raipur (C.G.)

5 - Revenue Inspector Revenue Circle Tilda, Distt. Raipur (C.G.)

6 - Smt. Kiran Devi Agarwal W/o Shri Pawan Kumar Agarwal Aged About 57 Years, R/o Gandi Chowk, Nevra Tahsil Tilda, Distt. Raipur (C.G.)

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7 - Smt. Manju Devi Agarwal W/o Shri Manoj Kumar Agarwal, Aged About 55 Years, R/o Gandi Chowk, Nevra Tahsil Tilda, Distt. Raipur (C.G.)

... Respondents

For Petitioner	**:**	Dr. Shailesh Ahuja, Advocate.
For Respondents No.1 to 5/State	**:**	Shri Amit Nayak, P.L.

S.B. Hon’ble Shri Justice Amitendra Kishore Prasad

Order on Board

06/10/2026

1. By way of this writ petition, the petitioner has prayed for following reliefs :-

> “10.1 That, the Hon'ble Court be pleased to direct the respondents to place all the records of the case for kind perusal of the Hon'ble Court.

10.2 That, the Hon'ble Court may be pleased to set aside the impugned auction notice dated 21/08/2023 (ANNEXURE P-1).

10.3 That, this Hon'ble Court may kindly be pleased to direct the respondent no. 3 to make procedure/auction on the basis of direction & order given by the High Court in WP 227 No. 6762/2009 dated 08/08/2022.

10.4 That, such other reliefs as the Hon'ble Court deems fit and proper in the circumstances of the case may also be granted to the petitioner in the interest of justice."

2. Learned counsel for the petitioner submits that based on circular dated 11/09/2019, the petitioner has applied for grant of Bhumiswami Rights as he is in possession of the land in dispute since 1950 and as such, on the basis of aforesaid circular, the petitioner is entitled for settlement of the said land and he is also entitled for Bhumiswami Rights, however, this has not been done, therefore, the petitioner has approached this Court and this Court had passed an order dated 08/08/2022 while directing the concerned authorities to consider the same and pass an appropriate order. Thereafter, the concerned Tahsildar has consider the same and has passed an order dated 27/12/2022 in favour of the petitioner, however, instead of considering the same, the concerned Sub Divisional Officer has issued an auction public notice, while directing for auction of the said land, which the petitioner is in possession.

3. Learned State counsel would submit that vide order dated 23/07/2024, the circular dated 11/09/2019 has already been withdrawn and cancelled and as such the relief as claimed by the petitioner on the basis of circular dated 11/09/2019 cannot be granted.

4. Considering the facts and circumstance of the case and considering this fact that the circular dated 11/09/2019 has already been cancelled and since the entire claim of the petitioner is made on the basis of aforesaid circular dated 11/09/2019, which is not in existence, as such, this auction notice dated 21/08/2023 is also not in accordance with law and as such, the same is hereby quashed. If the petitioner seeks that the land be settled in his name as in occupation of the said land since long back, the petitioner should have file an appropriate application before the concerned Collector in accordance with law and the concerned Collector will consider and decide the same, in accordance with law.

5. With the aforesaid observation, this petition stands disposed of.

6. It is made clear that this Court has not expressed any opinion on the merits of the case and it is upon the concerned Collector to consider and decide the same, in accordance with law.

Sd/-

(**Amitendra Kishore Prasad)**
JUDGE

Kamde