CGHC010321432023 2026:CGHC:45784

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 4268 of 2023

SHYNA AJAY
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Date: 2026.11.02 17:54:20 +0530

1 - Phoolmat W/o Late Devsingh Sahu Aged About 83 Years R/o Village Pataud, Tahsil Kanker, District Kanker (C.G.)

2 - Sonaram S/o Late Devsingh Aged About 47 Years R/o Village Pataud, Tahsil Kanker, District Kanker (C.G.)

3 - Sunkumar S/o Late Devsingh Aged About 44 Years R/o Village Pataud, Tahsil Kanker, District Kanker (C.G.)

... Petitioner(s)

versus

1 - The State Of Chhattisgarh Through The Secretary, Department Of Revenue And Disaster Management Mahanadi Bhavan, Mantralaya, Atal Nagar, Nava Raipur, District Raipur (C.G.)

2 - The Board Of Revenue, Bilaspur, Chhattisgarh Through Its President, Circuit Court Raipur (C.G.)

3 The Commissioner Bastar Division, District Jagdalpur (C.G.)

4 - The Sub Divisional Officer (Revenue) Kanker, District North Baster Kanker (C.G.)

5 Nayab Tahsildar Kanker, District North Bastar Kanker (C.G.)

6 - Smt. Bindabai W/o Late Santuram, R/o Village Pataud, Tahsil Kanker, District North Bastar Kanker (C.G.)

7 - Kalidas S/o Late Santuram, R/o Village Pataud, Tahsil Kanker, District North Bastar Kanker (C.G.)

... Respondent(s)

(Cause Title downloaded from CIS Periphery)

For Petitioner(s)	**:**	Mr. Abhishek Sharma, Advocate
For Respective Respondents	**:**	Mr. Manish Nigam, Advocate and Dr. Arham Siddiqui, Panel Lawyer

SB: Hon’ble Mr. Justice Amitendra Kishore Prasad

Order on Board

29/10/2026

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

> *10.1) That, the Hon'ble Court may kindly be pleased to call the entire record pertaining to case of petitioner from kind perusal from the respondent authorities.*
>
> *10.2) That, the Hon'ble Court by issuing appropriate writ set-aside the impugned order dated 25.01.2022 passed by respondent no. 2 (Annexure P/1).*
>
> *10.3) Any other relief or relief (s) which this Hon'ble Court may think proper in view of the facts and circumstances of the case may also kindly be granted.*

2. Brief facts of the case are that Late Devsingh Sahu, deceased husband of petitioner No. 1, was the recorded legal titleholder of land bearing Khasra Nos. 514 and 658/1 (admeasuring area 0.35 hectare and 1.50 hectares respectively), who instituted an application under Section 250 of the Chhattisgarh Land Revenue Code, 1959 (in short “the Code”) before the Nayab Tahsildar, Kanker, seeking restoration of possession over an extent of 0.18 hectare encroached upon by Respondent No. 6. Upon receipt of the Demarcation Report and *Panchnama*, Respondent No. 5-Nayab Tehsildar, Kanker, issued notice to Respondent No. 6, who entered appearance and filed an objection pleading *inter alia* that, owing to an inadvertent error in the revenue map, the property belonging to Respondent No. 6 was erroneously recorded in the name of late Devsingh Sahu. During the pendency of the case, Devsingh Sahu died and the present petitioners were duly substituted as his legal representatives and pursuant to the memo dated 05.08.2015 (Annexure P/3), physical possession of the subject land was restored to them by the Tahsildar. The First Appeal and Second Appeal preferred by Respondents No. 6 & 7 against the said order were successively dismissed on the threshold ground of limitation vide order dated 24.02.2016 (Annexure P/4) passed by Respondent No. 4 (Sub-Divisional Officer (Revenue), Kanker, District North Bastar Kanker (CG) and order dated 09.02.2018 (Annexure P/5) passed by the Commissioner, Bastar Division (Respondent No. 3). Aggrieved by these concurrent orders, Respondents No. 6 & 7 preferred a

Revision Petition before Respondent No. 2-Board of Revenue, which vide impugned order dated 25.01.2022 (Annexure P/1), set-aside all lower revenue orders without remanding the matter to the appellate authority for consideration of delay and improperly directed the concerned Nayab Tahsildar to conduct a fresh inquiry under Sections 89 and 250 of the Code. Hence, this Petition.

3. Mr. Abhishek Sharma, learned counsel for the petitioners submits that the impugned order dated 25.01.2022 passed by the Board of Revenue is illegal and unsustainable in law. He submits that the Board of Revenue erred in setting aside the concurrent orders passed by the Tahsildar, Sub-Divisional Officer and Commissioner and directly remanding the matter to the Tahsildar for fresh adjudication. He submits that since the power to conduct proceedings under Section 89 of the Code is vested exclusively in the Sub Divisional Officer, any order remanding the matter for inquiry thereunder could have been directed to the Sub Divisional Officer alone. The failure to do so vitiates the impugned order, making it patently contrary to law and wholly destitute of statutory authority.

4. Per contra, Dr. Arham Siddiqui, learned counsel for the State/respondent submits that the impugned order has been passed well within the jurisdiction of the competent authority. He submits that the Board of Revenue, being the highest Revenue Court, has passed a well-reasoned and detailed order after considering the entire matrix of the case, which suffers from no legal infirmity. Learned counsel further submits that since an

application under Section 250 of the Code falls squarely within the statutory domain and jurisdiction of the Tahsildar, the Board of Revenue committed no illegality in remanding the matter to the concerned Tahsildar for fresh consideration. Hence, the impugned order calls for no interference by this Court.

5. Likewise, Mr. Manish Nigam, learned counsel for respondents 6 & 7 submits that the impugned order is in accordance with law. He submits that while remanding the matter, the Board of Revenue meticulously dealt with each and every aspect of the case. Learned counsel points out that the Board of Revenue specifically observed that if, upon hearing the parties, it appears that the application under Section 89 of the Code also requires consideration, the competent authority may entertain the same and pass appropriate orders in accordance with law. Thus, the order of remand does not suffer from any jurisdictional defect.

6. Heard learned counsel for the parties and also perused the documents annexed with the petition carefully.

7. Evidently, a well-reasoned order of remand has been passed by the Board of Revenue after evaluating every material aspect of the case in its correct perspective. The Board of Revenue exercised its revisional jurisdiction under Section 50 of the Code to rectify procedural anomalies and ensure complete justice between the parties. It specifically directed that the competent authority shall determine whether any house has been constructed on the subject land, for which purpose a proper inquiry is to be conducted in accordance with law after affording

due opportunity of hearing to all interested parties, prior to adjudicating the application of the petitioners under Section 250 of the Code. It was further observed that if it transpires during the course of the inquiry that proceedings under Section 89 of the Code are warranted, the appropriate steps may be taken in accordance with law.

8. Revisional Courts, exercising jurisdiction under Section 50 of the Code, possess broad powers to set-aside threshold dismissals (such as those based purely on limitation) when substantive disputes regarding title or revenue map records require factual determination. Since the primary cause of action originated from an application under Section 250 of the Code, which falls under the jurisdiction of the Tahsildar, the direction to remand the matter to the Tahsildar for exhaustive inquiry carries no jurisdictional defect.

9. In view of the foregoing discussion, this Court is of the opinion that the impugned order dated 25.01.2022 passed by the Board of Revenue suffers from no legal, procedural or jurisdictional infirmity and calls for no interference by this Court in exercise of its extraordinary writ jurisdiction under Article 226/227 of the Constitution of India.

10. Consequently, the writ petition being devoid of merit is hereby dismissed. Interim order, if any, stands vacated.

Sd/-

(Amitendra Kishore Prasad)
Judge

Shyna Ajay