CGHC010375412024 2026:CGHC:45481

NAFR

RAGHVENDRA JAT Digitally signed by RAGHVENDRA JAT

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 5524 of 2024

1 - Namendra Sahu S/o Late Neelcharan Sahu Aged About 54 Years R/o Village- Murata, P.S. And Tahsil- Nawagarh, Distt. Bemetara, C.G.

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Revenue, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, Distt. Raipur, C.G.

2 - The Collector Bemetara, Distt. Bemetara, C.G.

3 - Sub Divisional Officer (R) Nawagarh, Distt. Bemetara, C.G.

4 - The Tehsildar Nawagarh, Distt. Bemetara, C.G.

5 - Premu Sahu S/o Dhanrwar Sahu Aged About 55 Years Association Nawagarh, R/o Office Of The Opposite Police Station, Tahsil Sahu Association, Nawagarh, Distt. Bemetara, C.G.

... Respondent(s)

For Petitioner(s)	:	Mr. Bharat Rajput, Advocate.
For Respondent(s)/State	:	Mr. Hariom Rai, Panel Lawyer.
For Interveners	:	Mr. Sunil Sahu, Advocate.
For Respondent No. 5	:	Mr. Pawan Shrivastava, Advocate.

Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

28/10/2026

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

“10.1 That, the Hon'ble Court may kindly be pleased to call the records pertaining to the case from the respondent authorities.

10.2 That, this Hon'ble Court may kindly be pleased to set-aside the whole case of Revenue Case No. 202408230800024/2023-2024, which registered and pending before the respondent no. 4.

10.3 That, the Hon'ble Court may kindly be pleased to set-aside the impugned registration order dated 23.08.2024 and also order dated 16.10.2024 passed by the respondent no. 4 and further may kindly be pleased to allow application for preliminary objection, in the interest of justice.

10.4 That, any other relief/order which may deem fit and just in the facts and circumstances of the case including award of the cost of the petitioner may be given.”

2. Learned counsel for the petitioner submits that a civil suit concerning the subject matter of the present writ petition has already been instituted and is pending consideration before the competent civil court. He further submits that, despite the pendency of the said civil suit, proceedings under Section 248 of the Chhattisgarh Land Revenue Code, 1959, have been initiated by the concerned Tahsildar in respect of the same subject matter. Learned counsel contends that the initiation of such proceedings is without jurisdiction, as the Tahsildar lacks the authority to initiate proceedings under Section 248 of the Code in the facts and circumstances of the present case. He, therefore, submits that the proceedings initiated by the Tahsildar are legally unsustainable and liable to be quashed, and prays that appropriate relief be

granted to the petitioner in accordance with law.

3. On the other hand, learned counsel appearing for the State as well as respondent No. 5 opposes the submissions made by learned counsel for the petitioner and submits that the civil suit instituted by the petitioner was for seeking an injunction in respect of the subject matter, and no injunction has been granted in favour of the petitioner by the competent civil court. Learned counsel further submits that, despite the pendency of the civil suit and the absence of any interim injunction in favour of the petitioner, the petitioner has approached this Court by way of the present writ petition seeking substantially similar relief. He further contends that the Tahsildar is legally competent and has the requisite jurisdiction to initiate proceedings under Section 248 of the Chhattisgarh Land Revenue Code, 1959, in accordance with the provisions of the said Code. Learned counsel also submits that the petitioner has challenged the impugned order by filing a revision before the competent authority and, therefore, the petitioner has already availed the appropriate statutory remedy available under the law. Accordingly, they opposes the writ petition and submits that no interference by this Court is warranted in the facts and circumstances of the present case.

4. I have heard learned counsel for the parties and having perused the material available on record.

5. Having heard learned counsel for the parties and having perused

the material available on record, it appears that the dispute regarding title, partition and permanent injunction is pending before the concerned Civil Court. As such, the concerned Tahsildar ought not to have proceeded further with the proceedings and should have awaited the decision of the concerned Civil Court. Accordingly, at this stage, the proceedings initiated before the concerned Tahsildar, Nawagarh, District Bemetara, are not required to be continued and are hereby quashed. However, after the decision in the civil suit, the parties shall be at liberty to file an appropriate application before the concerned Tahsildar, who shall decide the same in accordance with law and in the light of the decision rendered by the Civil Court, as the judgments and orders passed by the Civil Courts are binding on the Revenue Courts. Since the petitioner has already filed an application under Order 39 Rules 1 and 2 of the Code of Civil Procedure before the concerned Civil Court, the petitioner may pursue the remedy available before the said Court.

6. With the aforesaid observations and directions, the writ petition is **disposed of.**

7. The interim application filed in the matter is also disposed of, as the writ petition itself has been decided by this Court.

SD/-

(Amitendra Kishore Prasad)
Judge

Raghu Jat