CGHC010376472026 2026:CGHC:46219

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 4909 of 2026

1 - Narsingh Nishad S/o Late Anjori, Aged About 53 Years Caste - Kenwat

2 - Beersingh Nishad S/o Late Anjori, Aged About 55 Years Caste - Kenwat

3 - Heminbai Nishad W/o Late Hiresisngh, Aged About 40 Years Caste – Kenwat

4 - Deepak Nishad S/o Late Beeruram, Aged About 30 Years Caste - Kenwat

5 - Kumaribai Nishad W/o Late Beeruram, Aged About 60 Years Caste – Kenwat
All are Residents Of Village - Bijapur, Tahsil - Kukrel, District - Dhamtari C.G.

... Petitioner(s)

versus

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

2 - Commissioner, Raipur Division, Raipur, District - Raipur (C.G.)

3 - Collector, Dhamtari, District - Dhamtari (C.G.)

4 - Sub - Divisional Officer (Revenue), Nagri, Tahsil - Nagri, District - Dhamtari (C.G.)

5 - Tahsildar, Kukrel, Tahsil - Kukrel, District - Dhamtari (C.G.)

6 - Superintendent Of Police, Dhamtari, District - Dhamtari (C.G.)

7 - Station House Officer, Police Station - Kukrel, District - Dhamtari (C.G.)

8 - Tuleshwar Nishad S/o Bhuneshwar Nishad, Aged About 32 Years Caste - Kenwat

9 - Tulsiram Nishad S/o Bhuneshwar Nishad, Aged About 35 Years Caste - Kenwat

10 - Tuleshwari Nishad D/o Bhuneshwar Nishad, Aged About 31 Years Caste - Kenwat

11 - Tulsibati Nishad D/o Bhuneshwar Nishad, Aged About 37 Years Caste - Kenwat

12 - Birobai Nishad W/o Bhuneshwar Nishad, Aged About 62 Years Caste – Kenwat
Respondent Nos.8 to 12 are Residents Of Village - Dudhawa, Tahsil - Narharpur, District - Kanker (C.G.)

... Respondent(s)

For Petitioner(s)	:	Mr. RS Patel, Advocate.
For State/ Respondent(s)	:	Ms. Akansha Verma Dabadker, PL.

Hon'ble Mr. Justice Amitendra Kishore Prasad
Order on Board

02/11/2026

1. Learned counsel for the petitioner submits that the petitioners have filed the instant writ petition against the order dated 19.08.2026 passed by the Tahsildar, Kukrel, District Dhamtari, in Case No. 202605132400021/R/A-70/2025-2026, whereby proceedings have been initiated/proceeded with for delivery of possession of the land in question in purported compliance of the order dated 30.04.2026 passed by the learned Commissioner, Raipur Division, Raipur, without first adjudicating upon the preliminary objection raised by the Petitioners. He submits that the dispute arises out of the mutation/revenue proceedings concerning the land in question. Initially, the learned Tahsildar, Kukrel had passed a mutation order dated

02.05.2024 in favour of private Respondent Nos. 8 to 12. The Petitioners challenged the said order by filing an appeal under Section 44(1) of the Chhattisgarh Land Revenue Code, 1959. The learned Sub-Divisional Officer (Revenue), Nagri, by order dated 28.08.2024, allowed the appeal of the petitioners and set aside the mutation order dated 02.05.2024. Thereafter, the private Respondents preferred a second appeal under Section 44(2) of the Chhattisgarh Land Revenue Code, 1959 before the learned Commissioner, Raipur Division Raipur. During pendency of the said proceedings/Second Appeal, the private Respondents also filed/pursued separate revenue proceedings in respect of an earlier order dated 24.07.2012 before the SDO by suppressing the material fact that the Second Appeal is pending before the Learned Commissioner. The learned SDO, Nagri, by order dated 19.03.2025, allowed the said first appeal in favour of the private Respondents. Thereafter, in a very clever manner the private Respondents withdrew their earlier second appeal pending before the learned Commissioner on 20.01.2026 as not pressed. The Petitioners challenged the order dated 19.03.2025 before the learned Commissioner under Section 44(2) of the Chhattisgarh Land Revenue Code, 1959. During pendency of the said second appeal, interim protection was granted to the Petitioners and was extended from time to time. However, by final order dated 30.04.2026, the learned Commissioner dismissed the second appeal. Thereafter, the private

Respondents approached the learned Tahsildar on 07.05.2026 seeking initiation of proceedings for delivery of possession. The Petitioners, on 17.06.2026, specifically raised a preliminary objection before the learned Tahsildar, inter alia, against proceeding for delivery of possession without prior deciding the objections raised by them, which is against the procedure of law. Despite the pendency of the said preliminary objection, the learned Tahsildar proceeded with the matter and passed the impugned order dated 19.08.2026.

2. Learned counsel for the petitioner at this stage submits that against the impugned order, the case is pending before the Board of Revenue and the petitioners have an application under Section 52 of the CG Land Revenue Code for interim order which is pending before the Board of Revenue. He submits that hearing on application under Section 52 is fixed on 02.12.2026, as such, a limited direction to the Board of Revenue to adjudicate the said interim application would serve the purpose of this petition.

3. Having considered the submissions made by learned counsel for the petitioners and taking note of the fact that the application seeking interim relief is already listed before the Board of Revenue on 02.12.2026, this Court expects the Board of Revenue to consider and decide the said application, in accordance with law, on the date so fixed, provided there is no legal impediment in doing so.

4. With the aforesaid direction, this Writ Petition is **disposed of.**

5. It is made clear that nothing in this order shall be construed as an opinion on the merits of the case.

Sd/-

(Amitendra Kishore Prasad)
Judge

Avinash