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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 5005 of 2026

1 - Subhadra Bai Sahu W/o Shri Dayashankar Sahu Aged About 50 Years R/o Village Sambalpuri P O Sakari P S And Tahsil Sakari District Bilaspur C. G.

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through Its Collector District Bilaspur C.G.

2 - Sub Divisional Officer (Revenue) Division Sakari District Bilaspur C. G.

3 - The Tahsildar Tahsil Sakari District Bilaspur C.G.

4 - The Patwari P H No 40 Village Sambalpuri Tahsil Sakari District Bilaspur C. G.

5 - Arun Gupta S/o Late Chhotelal Gupta Aged About 55 Years R/o Bhagwati Complex Main Road Sakari P S And Tahsil Sakari District Bilaspur C. G.

6 - Anil Vastrakar S/o Kanhaiya Lal Vastrakar Aged About 35 Years R/o Kanhaiya Dham Bypass Road Village Samalpuri P O Sakari District Bilaspur C.G.

... Respondent(s)

For Petitioner(s)	:	Shri SB Pandey, Advocate.
For State/respondent	:	Shri Anand Dadariya, Dy AG.

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

06/10/2026

1. Learned counsel for the petitioner submits that the land owned, possessed and occupied by the petitioner is Khasra No. 556/2 admeasuring area 0.0810 hectare situated in Mouza Samalpuri, P.H. No. 40, R.N.M. Pendari, Tehsil Sakari, District Bilaspur, Chhattisgarh and in front of the said land, there is Government land situated bearing Khasra No. 548 admeasuring area 0.8210

hectare, which is vacant and Arun Gupta i.e. Respondent no. 5 is forcibly fencing it with barbed wire, claiming it to be his private land and is obstructing the petitioners from entering to her land and when objection is raised, he is creating a disputed situation by claiming it to be his own land. Next to the petitioner's land is Anil Vastrakar i.e. Respondent no. 6, who is claiming that he has purchased the Government land from some one of resident of Bilaspur and is building a wall in front of his land between the Government land and the land owned by the petitioner, due to which the petitioner is not getting a way to enter her own land.

2. Learned counsel for the petitioner submits that Respondent no. 5 & 6 is making conspiracy against the petitioner and is enclosing the plot by constructing on the said piece of land stating it to be purchased by them, by doing plotting. The petitioner has submitted an application before Respondent no. 3 i.e. Tahsildar, Sakari Bilaspur on 23.02.2026. On 20.04.2026, Naib Tehsildar has passed a stay order in favour of the petitioner and restrained Respondent Nos.5 & 6 from constructing any further on the subject land. Despite of which, respondent Nos.5 & 6 are constructing on the subject land.

3. Learned State counsel submits that vide order dated 20.04.2026, Naib Tehsildar has restrained Respondent Nos.5 & 6 for raising any construction on the subject land and if there is violation of that order, the petitioner has to approach the concerned competent authority and if the petitioner is still aggrieved he can also approach appellate authority, however, petitioner without proceeding on that course has filed this petition, which is not maintainable.

4. Having heard learned counsel for the parties and considering the submissions made, this Court is of the view that once the Naib Tehsildar has taken cognizance of the dispute and has passed an order dated 20.04.2026 restraining respondents No. 5 and 6 from carrying out further construction over the subject land, it is incumbent upon the concerned revenue authorities to ensure compliance with the said order and to take appropriate steps in accordance with law in the event of any violation thereof.

5. The petitioner has specifically alleged that the land in question is Government land and that respondents No. 5 and 6 are attempting to encroach upon the same and are continuing construction despite the order of restraint dated 20.04.2026. In such circumstances, the concerned Tahsildar is directed to examine the grievance of the petitioner and take all necessary steps, strictly in accordance with law, to ensure compliance with the order dated 20.04.2026 and to prevent any unauthorized construction or encroachment over the Government land.

6. Needless to observe, encroachment upon Government land is a matter which requires prompt and diligent attention from the concerned authorities. If, upon verification and enquiry, any unauthorized occupation or encroachment is found, the competent authority shall take appropriate action against the persons responsible, in accordance with law.

7. The concerned Sub-Divisional Officer (SDO) is also directed to examine the matter and ensure that appropriate action is taken by the competent revenue authorities in accordance with law.

8. It is made clear that this Court has not expressed any opinion on the title or ownership of the disputed land. The concerned authorities shall consider and decide the matter independently, on its own merits, in accordance with the applicable provisions of law and after undertaking such verification/enquiry as may be necessary.

9. With the aforesaid directions, the present petition stands **disposed of.**

Sd/-
(Amitendra Kishore Prasad)
Judge

Avinash