CGHC010387322026 2026:CGHC:42996

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 5015 of 2026

1 - Shekh Abdul Ashif S/o Mirza Mustaq Beg Aged About 32 Years R/o Village Salihabhatha, Tehsil Mahasamund District Mahasamund District Mahasamund C.G. Present Address Ward No. 09, Near Mosque Mowa Police Station Mowa, District Raipur Chhattisgarh.

... Petitioner

RAVVA UTTEJ KUMAR RAJU Digitally signed by RAVVA UTTEJ KUMAR RAJU Date: 2026.10.06 18:31:05 +0530

Versus

1 - State of Chhattisgarh Through Secretary Department Of Revenue And Disaster Management Mantralaya Mahanadi Bhawan Atal Nagar Nawa Raipur District Raipur Chhattisgarh.

2 - Collector Mahasamund District Mahasamund Chhattisgarh

3 - Sub Divisional Office Revenue Mahasamund District Mahasamund Chhattisgarh

4 - Tehsildar Tehsil Mahasamund District Mahasamund Chhattisgarh.

5 - Naib Tehsildar Patewa Tehsil Mahasamund District Mahasamund Chhattisgarh

6 - Khileshwar Sinha Sarpanch Gram Panchayat Torla, Tehsil Mahasamund District Mahasamund Chhattisgarh.

... Respondents

(Cause title is downloaded from CIS Periphery.)

For Petitioner	:	Mr. Mahendra Kumar Rathia, Counsel appears along with Ms. Shakuntala Ratre, Advocate.
For State	:	Mr. Hariom Rai, P.L.

Hon'ble Shri Justice Amitendra Kishore Prasad.

Order on Board

05.10.2026

1. Heard on I.A. No. 01/2026, which is an application seeking exemption from filing typed copies of the annexures.
2. Learned counsel for the petitioner submits that the requisite legible typed copies have already been filed on record and, therefore, he does not wish to press I.A. No. 01/2026. Accordingly, I.A. No. 01/2026 is dismissed as not pressed.
3. By way of the present petition, the petitioner seeks a direction to respondent No. 5/Naib Tehsildar, Patewa, District Mahasamund (C.G.), to register the revenue case and proceed with the same in accordance with law. The petitioner is seeking the following reliefs:-

> *"10.1 That, this Hon'ble Court may kindly be pleased to issue an appropriate writ, order or direction, particularly in the nature of Mandamus, directing respondent No. 5/Naib Tehsildar, Patewa, District Mahasamund (C.G.), to register and take up for consideration the petitioner's application dated 02.02.2026 (Annexure P/6) submitted under the applicable provisions relating to easementary rights and Section 131 read with Section 32 of the*

Chhattisgarh Land Revenue Code, and to proceed with the same in accordance with law.

10.2 That, this Hon'ble Court may kindly be pleased to direct respondent No. 5 to decide the aforesaid application expeditiously, within a time-bound period as may be fixed by this Hon'ble Court, after affording due opportunity of hearing to the petitioner, respondent No. 6 and all other concerned parties.

10.3 That, this Hon'ble Court may kindly be pleased to direct the respondents to ensure that the petitioner's grievance regarding obstruction to the access route leading to his poultry farm situated over Khasra No. 8/2, admeasuring 0.44 hectare, Village Salihabhatha, Tahsil and District Mahasamund, is duly considered by the competent authority in accordance with law.

10.4 That, this Hon'ble Court may kindly be pleased togrant any other relief which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, including costs of the petition, in the interest of justice."

4. Learned counsel for the petitioner submits that the petitioner has filed an application under Section 131 read with Section 32 of the Chhattisgarh Land Revenue Code, 1959, seeking recognition of his easementary rights before the Naib Tehsildar, Patewa, Tahsil Mahasamund (C.G.), which is still pending consideration. He,

therefore, submits that the petitioner has approached this Court with a limited prayer for directing the concerned Naib Tehsildar, Patewa, Tahsil Mahasamund (C.G.), to consider and decide the said application in accordance with law by passing an appropriate order within a stipulated period. He further submits that the Gram Panchayat, Torla, Tahsil Mahasamund (C.G.), has obstructed the access way/path used by the petitioner for approaching his poultry farm and, therefore, the concerned authorities may also be directed to consider the grievance of the petitioner regarding such obstruction and take appropriate steps for removal thereof in accordance with law, with a further direction to the respondent Gram Panchayat not to cause any obstruction or interference with the said lane/way/path.

5. Learned counsel for the State is having no objection to the limited prayer of the petitioner.

6. Having heard learned counsel for the parties, perused the record, particularly the application submitted by the petitioner and the photographs placed on record, and considering that the said path appears to be used not only by the petitioner but also by other villagers, this Court deems it appropriate to direct the Naib Tehsildar, Patewa, Tahsil Mahasamund (C.G.), to consider and decide the petitioner's application dated 02.02.2026 in accordance with law, by passing a reasoned and appropriate order, preferably within a period of 45 days from the date of receipt of a copy of this order. Till the aforesaid application is decided, the Gram

Panchayat, Torla, Tahsil Mahasamund (C.G.), shall not obstruct or interfere with the petitioner's use of the said path in any manner, subject to the rights and contentions of the parties and the final decision to be taken by the competent authority.

7. With this observation and direction, the petition stands **disposed of.**

8. No order as to costs.

Sd/-

(Amitendra Kishore Prasad)
Judge

U.K. Raju