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RAGHVENDRA JAT Digitally signed by RAGHVENDRA JAT

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 5650 of 2024

Order Reserved on: 18.8.2026

Order Delivered on: 27.10.2026

- Ajay Banjare S/o Bed Ram Banjare Aged About 30 Years Director Pragati Computer Education Center, Having Its Office At Village Adbhar, District Sakti, Chhattisgarh. Permanent R/o Ward No. 12, Village- Bade Padarmuda, Tehsil Malkharoda, District : Janjgir-Champa, Chhattisgarh.

... Petitioner(s)

versus

1. State Of Chhattisgarh Through The Secretary, Government Of Chhattisgarh, Urban Administration And Development Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur, Chhattisgarh.
2. Collector Sakti, District : Sakti, Chhattisgarh.
3. Tehsildar Village- Adbhar, District : Sakti, Chhattisgarh.
4. Nayab Tehsildar Village- Adbhar, District : Sakti, Chhattisgarh.

5. Nagar Panchayat Adbhar Through Its Chief Municipal Officer, Village- Adbhar, District : Sakti, Chhattisgarh.

... Respondent(s)

For Petitioner(s)	:	Ms. Meena Shastri, Advocate.
For Respondent(s) No. 1 to 4/ State	:	Mr. Anway Tiwari, Panel Lawyer.
For Respondent No. 5	:	Mr. Arpit Agrawal, Advocate.

Hon'ble Mr. Justice Amitendra Kishore Prasad

C A V Order

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 for the entire records pertaining to the present case.

10.2 That the Hon'ble court may kindly be pleased to issue a writ, order or direction of Mandamus quashing the impugned notice dated 14.10.2024 and the impugned order dated 04.10.2024 [Annexure P-1] passed by the respondent authorities respectively in the light of facts and circumstance of the case.

10.3 That the Hon'ble Court may kindly be pleased to issue a writ, order or direction of mandamus directing the respondent authorities to not demolish the under-construction building raised by the petitioner and allow

the petitioner to complete the construction over the land alloted by the Nagar Panchayat.

10.4 That the Hon'ble court may kindly be please to issue a writ order or direction of mandamus to decide the pending application made by the petitioner for grant of lease over which the petitioner has raised construction which is pending before the Learned Collector, Sakti and to decided within such time frame as the Hon'ble may deems fit in the light of fact and circumstances of the case.

10.5 That, this Hon'ble Court may kindly be pleased to grant any other relief(s), which it may deemed fit and proper in the aforesaid facts Jand circumstances of the case."

2. Brief facts of the case, is that, the present petition has been preferred against the illegal and arbitrary action of the respondent authorities in issuing a notice for eviction and demolition of the construction raised over the land duly allotted to the petitioner by the Nagar Panchayat, Adbhar, vide resolution dated 12.06.2023. The said land was allotted to the petitioner for establishing a computer education centre for the villagers and for imparting computer education to the local residents at a nominal fee, with the object of benefiting the residents of the village. It is further submitted that the petitioner has also provided free computer

education to certain students who were unable to afford even the minimum prescribed fee. Pursuant to the allotment, the petitioner commenced construction over the allotted land for establishing the computer education centre. However, in December 2023, after a change in the political scenario in the State, certain local villagers allegedly threatened the petitioner and demanded certain favours from him, which the petitioner declined. Consequently, a complaint was lodged before the Tehsildar, Adbhar, objecting to the construction raised by the petitioner. Acting upon the said complaint, the Tehsildar, Adbhar, illegally declared the petitioner to be an encroacher and directed removal of the construction, besides issuing an eviction warrant requiring the petitioner to remove the said construction. Subsequently, vide orders/notices dated 04.10.2024 and 14.10.2024, the respondent authorities directed removal of the construction by treating the same as an encroachment and thereafter proceeded to issue the eviction warrant. It is submitted that the respondent authorities are now proceeding to demolish the construction by illegally treating the petitioner as an encroacher, despite the fact that the land had been duly allotted to him by the Nagar Panchayat, Adbhar, vide its resolution dated 12.06.2023. Aggrieved by the aforesaid illegal and arbitrary action of the respondent authorities, the petitioner has preferred the instant petition seeking appropriate relief from this Court.

3. Learned counsel for the petitioner submits that the petitioner established “Pragati Computer Education Centre” at Village Adbhar in the year 2022 with the bona fide object of imparting computer education to the residents of the village and nearby areas at a minimum and affordable fee and, in deserving cases, even free of cost. It is submitted that, since its inception, more than 300 persons have successfully completed various courses and at present about 100 students are enrolled in the centre. As the rented premises became insufficient due to the increasing number of students and the requirement of additional space for installing computers and other infrastructure, the petitioner approached the President of Nagar Panchayat, Adbhar, on 04.02.2023 seeking allotment of suitable land for establishing a permanent computer education centre. The Nagar Panchayat considered the request and, vide Resolution dated 12.06.2023, unanimously resolved to allot 2.5 dismil of land situated near the Electricity Office to the petitioner for the said purpose, whereafter the site was duly identified and the petitioner commenced construction after performing Bhoomipoojan in the presence of members of the Nagar Panchayat. Learned counsel submits that the subject land forms part of Khasra No. 162/1 and that the petitioner proceeded with the construction bona fide and in pursuance of the allotment made by the Nagar Panchayat, without any intention to encroach upon government land. It is further submitted that after the declaration of the Legislative Assembly

election results on 03.12.2023, certain local villagers allegedly threatened the petitioner and demanded certain favours, which he declined, and thereafter a complaint was lodged before the Tehsildar, Adbhar, on 12.12.2023 alleging unauthorised construction. Pursuant thereto, revenue proceedings were initiated and the Patwari submitted his report on 20.12.2023. Thereafter, vide order dated 27.12.2023, the Tehsildar directed the petitioner to stop the construction and submit his explanation. The petitioner immediately complied with the said direction, stopped further construction and submitted his reply explaining the allotment made by the Nagar Panchayat. Learned counsel further submits that during the pendency of the proceedings, the petitioner also approached the competent authority seeking grant of lease of the subject land. However, without seeking any explanation from the Nagar Panchayat regarding the allotment made by it, the Tehsildar proceeded to treat the petitioner as an encroacher and directed removal of the construction. It is contended that the said action is arbitrary and unsustainable, particularly when the petitioner had acted pursuant to a formal resolution of the Nagar Panchayat and had utilised the land for a bona fide social and educational purpose. Learned counsel submits that the petitioner has invested his hard-earned savings for establishing the computer education centre and its demolition would cause irreparable loss to him and would also defeat the larger public and social object of providing affordable computer

education to the villagers. It is, therefore, submitted that the respondent authorities ought not to demolish the existing structure and may be directed to consider the petitioner's request for grant of lease in respect of the subject land in accordance with law before taking any coercive action against him.

4. Learned counsel for the State submits that the land bearing Khasra No. 162/1, admeasuring 19.6390 hectares (48.53 acres), is recorded as “Chhote Jhad Ka Jungle (Grass)” and continues to be recorded as Government land in the revenue records. It is submitted that the petitioner has no lawful right or authority over the subject land, as the same was never allotted to him by the competent authority. Learned counsel submits that the petitioner is relying upon a resolution passed by the Nagar Panchayat, Adbhar, whereas the Nagar Panchayat was not competent to allot Government land and the competent authority for such allotment is the District Collector. It is further submitted that on a complaint alleging encroachment, the Tahsildar, Adbhar, initiated revenue proceedings, issued notice to the petitioner and called for a report from the concerned Halka Patwari, who reported that the petitioner had raised construction over the subject land without obtaining permission from the competent authority. Learned counsel submits that the petitioner appeared before the Tahsildar and submitted his reply, which was duly considered, and thereafter the Tahsildar, upon appreciation of the material available on record, passed the eviction order dated 04.10.2024

holding the petitioner to be an encroacher and directing removal of the encroachment. It is further submitted that the petitioner challenged the said order before the Sub-Divisional Officer (Revenue), Malkharoda, under Section 44 of the Land Revenue Code, but the appeal was dismissed vide order dated 06.03.2025, which has neither been challenged nor assailed in the present petition. Learned counsel further submits that the petitioner's application for allotment/lease of the subject land was also considered and rejected by the Collector, District Sakti, vide order dated 30.05.2025, which too has not been challenged. It is, therefore, contended that the petitioner cannot claim any legal right over the Government land merely on the basis of a resolution passed by an authority lacking competence to make such allotment. Learned counsel submits that the petitioner, having failed to establish any valid allotment, lease or permission in his favour, is an encroacher and cannot claim regularisation or lease as a matter of right. The eviction order and consequential notice having been passed after due opportunity of hearing and in accordance with law, do not warrant any interference by this Hon’ble Court. The present petition, therefore, being devoid of merit, deserves to be dismissed.

5. Learned counsel for respondent No. 5 submits that the petitioner's entire claim rests upon Resolution No. 38 dated 12.06.2023, which merely refers to allotment of 2.5 dismil of land near the Electricity Office, without specifying any Khasra number,

ownership, location or other particulars identifying the land. It is, therefore, contended that the said resolution does not establish any right of the petitioner over the subject land. Learned counsel further submits that the petitioner himself applied before the Collector, District Sakti, for grant of lease of the subject land, which demonstrates that he was aware that no lawful right had accrued in his favour. It is further submitted that respondent No. 5 had no authority to allot Government land and that no valid allotment of the subject land was ever made in favour of the petitioner. Learned counsel also submits that, even assuming that the petitioner was intended to be allotted land for running a computer education centre, he could not have raised construction without obtaining the requisite permission from the competent authority, which he has failed to establish. Accordingly, it is submitted that the petitioner has no enforceable right over the subject land and is not entitled to the reliefs claimed in the present petition, which deserves to be dismissed.

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

7. From the perusal of the record, it appears that the petitioner had submitted certain applications before the Nagar Panchayat, Adbhar, seeking allotment of land for construction of a building for imparting computer education to the local residents. It further appears that the Nagar Panchayat, Adbhar, had passed a resolution in favour of the petitioner; however, the requisite

allotment process was not completed in accordance with law, and the petitioner, merely on the basis of the said resolution, is claiming a right over the subject land. Since the land in question belongs to the State Government, the construction raised by the petitioner cannot be treated as lawful unless and until the land is duly allotted or leased in his favour by the competent authority. The petitioner ought to have obtained the requisite patta or lease, whether temporary or permanent, from the competent revenue authority before raising any construction. In the absence of any such valid allotment or lease, the construction raised by the petitioner cannot be permitted to continue merely on the strength of the resolution passed by the Nagar Panchayat.

8. Considering the facts and circumstances of the case, particularly the fact that the petitioner has already raised construction and is imparting computer education to the local residents, this Court deems it appropriate to grant an opportunity to the petitioner to seek appropriate allotment/lease of the subject land. Accordingly, the petitioner is directed to submit an appropriate application before the competent revenue authorities, namely, the Tahsildar/SDO and the Collector, seeking grant of lease of the land for the purpose of establishing and running the computer training centre. The concerned authorities shall consider the said application in accordance with law and, while doing so, shall adopt a pragmatic approach keeping in view the special circumstances of the case, particularly the fact that the petitioner seeks to run a

computer education centre which would benefit the local villagers and students. The authorities shall thereafter pass an appropriate and reasoned order on the petitioner's application in accordance with law.

9. The impugned notice dated 14.10.2024 is modified to the aforesaid extent. Since this Court, vide order dated 14.11.2024, had stayed the effect and operation of the impugned notice, the petitioner is directed to submit the appropriate application before the concerned authorities within a period of 30 days from the date of receipt of a copy of this order, and, in turn, the concerned authorities shall consider and decide the same, in accordance with law, within a further period of 60 days. It is made clear that the petitioner shall abide by the decision of the competent authority on his application for grant of lease.

10. With the aforesaid observations and directions, the present writ petition stands **disposed of.**

Sd/-

(Amitendra Kishore Prasad)
Judge

Raghu Jat