CGHC010394582026 2026:CGHC:43178

RUCHI YADAV Digitally signed by RUCHI YADAV

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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 5118 of 2026

1 - Balbir Singh Monga S/o Shri Harbansh Singh Monga Aged About 62 Years R/o -32 / 882, Preeti Niwas, Shyam Nagar, Near Sagar Kirana Bhandar, Telibandha, Raipur Distt. Raipur (C.G.)

2 - Daljeet Kaur Monga W/o Balbir Singh Monga Aged About 58 Years R/o -32 / 882, Preeti Niwas, Shyam Nagar, Near Sagar Kiraya Bhandar, Telibandha, Raipur Distt. Raipur (C.G.) (Petitioner No.2 Is The Original Owner Of The Property In Dispute Hence Made Party)

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through -Secretary, Revenue And Disaster Management and Rehabilitation Department, S-3-31, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, (C.G.)

2- Additional Collector, Raipur Distt. Raipur (C.G.)

3- The Tahsildar, Raipur Distt. Raipur (C.G.)

4- Superintendent Of Police, Raipur Distt. Raipur (C.G.)

5 - Station House Officer, Police Station -Vidhan- Sabha, Raipur C.G.

6 - Rajendra Singh Chawla S/o Late Diwan Singh Chawla R/o Ashoka Tower Raipur, Distt. Raipur (C.G.)

... Respondent(s)

(Cause title taken from CIS Periphery)

For Petitioner(s)	:	Mr. Akash Kumar Kundu, Advocate
For Respondent/State	:	Mr. Akhilesh Kumar, Government Advocate, appears on advance copy
For Respondent No.6	:	Mr. Manoj Paranjpe, Sr. Advocate assisted by Mr. Kabeer Kalwani, Advocate, appears on advance copy

SB: Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

06/10/2026

1. By way of this petition, the petitioners have prayed for following reliefs:-

> "10.1) The Hon'ble Court may kindly be pleased to issue an appropriate writ, order or direction quashing and setting aside the appellate order dated 24.09.2026 (ANNEXURE P-2).
>
> 10.2) The Hon'ble Court may kindly be pleased to issue an appropriate writ, order or direction staying the operation and execution of the appellate order dated 24.09.2026 and the eviction notice dated 28.09.2026 during the pendency of the present writ petition.
>
> 10.3) The Hon'ble Court may kindly be pleased to issue writ/order/direction of appropriate nature to issue a Commission for demarcation of the disputed spot in presence of the parties.
>
> 10.4) The Hon'ble Court may kindly be pleased to direct issue an appropriate writ, order or direction directing the learned Commissioner, Raipur Division to consider and decide the Petitioners' pending Revision, along with any application for interim relief, expeditiously and strictly accordance with law after affording due opportunity of hearing to all concerned parties.
>
> 10.5) Any other relief which this Hon'ble Court deems fit and proper may also kindly be granted to the Petitioners, in the interest of justice. An affidavit in support of is filed herewith."

2. Learned counsel appearing for the petitioners submits that the petitioner No.1 has preferred a revision before the Commissioner, Raipur Division, bearing Revenue Case No. 202609970100017 of the year 2025-2026, wherein the caveator has also filed a caveat. The matter is fixed for 12.10.2026 for hearing on the application filed under Section 52(2) of the Chhattisgarh Land Revenue Code, 1959 (CGLRC), which is an application seeking interim relief. He further submits that despite the matter being fixed for hearing on 12.10.2026, during the intervening period, a notice dated 28.09.2026 has been issued for removal of encroachment. He further submits that since the matter is pending consideration before the Commissioner, Raipur Division and the petitioner has also filed an application under Section 52(2) of the Chhattisgarh Land Revenue Code, 1959 (CGLRC), the respondent authorities may be restrained from taking any coercive steps against the petitioners till the said application is decided on 12.10.2026.

3. Learned counsel appearing for the caveator/respondent No.6 submits that the petitioners have been approaching this Court from time to time and obtaining orders; however, they are not cooperating before the concerned authorities. He, therefore, submits that an appropriate direction may be issued so that the matter may be heard on the interim application on 12.10.2026.

4. Learned State counsel also submits that since the matter is pending before the concerned Commissioner, the same is required to be considered and decided by the Commissioner in accordance with law.

5. Having heard learned counsel for the parties and having perused the records, it appears that the matter is already pending consideration before the Commissioner, Raipur Division, wherein petitioner No.1 has filed an application under Section 52(2) of the Chhattisgarh Land Revenue Code, 1959 (CGLRC) and the matter is fixed for 12.10.2026. Accordingly, in the interest of justice, the authorities concerned are directed not to take any coercive steps against the petitioners till 12.10.2026.

6. However, it is made clear that on 12.10.2026, the petitioners as well as the caveator shall remain present before the concerned Commissioner and shall advance their respective submissions. The concerned Commissioner is also directed to consider the application under Section 52(2) of the Chhattisgarh Land Revenue Code, 1959 (CGLRC) on the same date and pass an appropriate order in accordance with law, after affording due opportunity of hearing to the parties.

7. It is made clear that the petitioners shall not seek any adjournment on the said date for any reason whatsoever, failing which the protection granted by this Court shall lose its efficacy.

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

Sd/-

(Amitendra Kishore Prasad)
Judge

Ruchi