YOGESH TIWARI Digitally signed by YOGESH TIWARI Date: 2026.10.13 17:38:46 +0530

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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 5225 of 2026

Kailash Yadav S/o Gunnu Gop Aged About 65 Years R/o Village Talwapara, Baikunthpur Distt- Koria (C.G.)

... Petitioner

versus

1 - State Of Chhattisgarh Through Secretary, Panchayat Department, Mantralaya, Atal Nagar, New Raipur (C.G.)

2 - Collector, Baikunthpur Distt- Koria (C.G.)

3 - The Sub - Divisional Officer, (R), Baikunthpur Distt- Koria (C.G.)

4 - The Tahsildar, Baikunthpur Distt- Koria (C.G.)

5 - Ram Narayan Sahu S/o Ramtavkal Sahu R/o Village Odgi, Tahsil Baikunthpur Distt- Koria (C.G.)

... Respondents

(Cause-title taken from Case Information System)

For Petitioner	**:**	Mr. Yogesh Chandra, Advocate
For State	**:**	Mr. Shobhit Mishra, Dy. Govt. Advocate

Hon'ble Shri Amitendra Kishore Prasad, Judge

Order on Board

13.10.2026

1. By filing the present writ petition, the petitioner challenges the order dated 30.09.2026 passed by respondent No. 3 in Revenue Appeal Case No. 202507011500069/0113/APL/B-121, whereby the interim order dated 28.09.2026, granting protection to the

petitioner till disposal of the appeal, has been vacated without deciding the appeal on merits. The petitioner has prayed for following relief(s) :-

> "*10.1 That, this Hon'ble Court may kindly be pleased to issue a writ in the nature of mandamus or to issue appropriate direction, quashing the order dated 30.09.2026 passed by the respondent no. 03 in revenue appeal case no. 202507011500069/0113/APL/B-121 whereby the interim granted on 28.09.2026 has been vacated.*
>
> *10.2 That, this Hon'ble Court may kindly be pleased to issue a writ in the nature of mandamus or to issue appropriate direction, staying the effect and operation of impugned order dated 30.09.2026 by restoring the order dated 28.09.2026 till disposal of the case.*
>
> *10.3 That, any other relief which the Hon'ble Court deems fit and proper as per the nature of the case. An affidavit in support of this writ petition is filed herewith.*"

2. Learned counsel for the petitioner submits that the petitioner purchased land bearing Khasra No. 245/01, admeasuring 0.044 hectare, situated at Village Talwapara, Baikunthpur, District Koriya (C.G.), from respondent No. 5 by way of a registered sale deed dated 08.05.2015. It is contended that respondent No. 5 had left a 15-feet-wide passage adjoining the petitioner's plot, which was being used by the petitioner and other villagers for ingress and

egress. However, respondent No. 5 subsequently started construction over the said passage, obstructing the petitioner's access to his house. The petitioner's complaint was dismissed by the Tahsildar vide order dated 07.08.2025, against which he preferred an appeal before respondent No. 3 along with an application for interim relief. Respondent No. 3 initially granted interim protection vide order dated 28.09.2026 but vacated the same by the impugned order dated 30.09.2026, without deciding the appeal. Learned counsel, therefore, submits that the impugned order is arbitrary and deserves to be set aside.

3. Per contra, learned State counsel opposes the submissions advanced by learned counsel for the petitioner and submits that the main appeal is still pending consideration before the competent revenue authority. It is further contended that, if the petitioner is aggrieved by the order vacating the interim protection, he ought to have availed the appropriate remedy available under the law before approaching this Court under Article 226 of the Constitution of India. Having failed to avail such remedy, the petitioner is not entitled to invoke the extraordinary writ jurisdiction of this Court. Accordingly, learned State counsel submits that the present writ petition deserves to be dismissed.

4. Having considered the submissions advanced by learned counsel for the parties and upon perusal of the material available on record, it is evident that the dispute relating to the alleged

obstruction of the passage is pending consideration before the competent revenue authority. The order dated 28.09.2026 granting interim protection was subsequently vacated by the impugned order dated 30.09.2026, while the main appeal remains pending. In such circumstances, this Court is not inclined to interfere with the impugned order in exercise of its extraordinary writ jurisdiction, particularly when the petitioner has not availed the appropriate remedy available under the law.

5. Accordingly, the writ petition is dismissed. However, it is made clear that this Court has not expressed any opinion on the merits of the pending appeal, and the competent revenue authority shall decide the same independently, in accordance with law, without being influenced by any observation made in this order.

6. There shall be no order as to costs.

Sd/-
(Amitendra Kishore Prasad)
Judge

Yogesh