CGHC010403932025 2026:CGHC:45034

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RAGHVENDRA JAT Digitally signed by RAGHVENDRA JAT

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 5050 of 2025

1 - Smt. Nadeson Suman Unni (In Person) Daughter Of Late R. Nadeson Aged About 56 Years Resident Of Quarter No.4-A Street No.35, Sector 10, Bhilai Tahsil And District- Durg (C.G.)

--- **Petitioner(s)**

versus

1 - State Of Chhattisgarh Through- The Secretary, Revenue And Disaster Management Department, Mahanadi Bhawan, Atal Nagar Nawa Raipur District- Raipur (C.G.)

2 - Secretary Urban Administration Department, Mahanadi Bhawan, Atal Nagar, Nawa Raipur District- Raipur (C.G.)

3 - Commissioner Durg Division District- Durg (C.G.)

4 - Collector Durg District- Durg (C.G.)

5 - Sub Divisional Officer (Revenue) Durg District- Durg (C.G.)

6 - Tahsildar Durg District- Durg (C.G.)

--- **Respondent(s)**

WPC No. 5103 of 2025

1 - Smt. Nadeson Suman Unni (In Person) D/o Late R. Nadeson Aged About 56 Years R/o Quarter No. 4-A, Street No. 35, Sector 10, Bhilai, Tahsil And Distt. Durg, Chhattisgarh.

---Petitioner(s)

Versus

1 - State Of Chhattisgarh Through The Secretary, Revenue And Disaster Management Department, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, Distt. Raipur, Chhattisgarh.

2 - Secretary Urban Administration Department, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, Distt. Raipur, Chhattisgarh.

3 - Commissioner Durg, Division, Distt. Durg, Chhattisgarh.

4 - Collector Durg, Distt. Durg, Chhattisgarh.

5 - Sub Divisional Officer (Revenue) Durg, Distt. Durg, Chhattisgarh.

6 - Tahsildar Durg, Distt. Durg, Chhattisgarh.

--- Respondent(s)

For Petitioner(s)	:	Smt. Nadeson Suman Unni, petitioner in person.
For Respondent(s)/State	:	Mr. Shobhit Mishra, Dy. G.A. and Dr. Arham Siddiqui, Panel Lawyer.

Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

26/10/2026

1. Since common question of facts and law is involved in these cases, as such, both the petitions are being disposed of by this common order.
2. The petitioner-in-person have prayed for certain reliefs in the writ petitions. Though there are some sort of differences in respect of prayer made by the petitioner-in-person in both the petitions, however, in sum and substance, the reliefs are altogether similar and identical. The reliefs prayed in ***WPC No. 5050/2025 (Smt. Nadeson Suman Unni vs. State of Chhattisgarh & Ors.)*** are quoted hereinbelow in order to consider these cases and to decide the same.

> *"10.1 That, this Hon'ble Court may kindly be pleased to set-aside the impugned circular dated 23-07-2024 (Annexure P-1) and impugned order dated 19-06-2025 (Annexure P-2) passed by the respondent No.3.*
>
> *10.2 That, this Hon'ble Court may kindly be pleased to direct the respondent authorities to redecide the application for regaurlziatoin of the land of petitioner and initiate fresh proceedings and decide the same on merits.*
>
> *10.3 That, this Hon'ble Court may kindly be pleased to direct the respondent authorities to regularize and grant lease holding right to the petitioner over the subject property i.e. Khasra No.194/1 admeasuring 562.62*

sq.feet as Plot No.7, which is part of Khasra No.194/1 situated at Village Borsibhatha, P.H.No.23, Tahsil and District Durg (C.G.).

10.4 That, any appropriate writ, direction or order may also kindly be passed in favour of the petitioner, which this Hon'ble court deems fit in the circumstances of the case."

3. The petitioner-in-person submits that she has challenged the circular dated 23.07.2024 and the impugned order dated 19.06.2025, whereby the proceedings initiated for regularization of the subject land and grant of leasehold rights in favour of the petitioner-in-person were closed. She submits that the petitioner-in-person purchased the leasehold land, originally granted to Kanhaiya in the year 1984, through an Ekrarnama dated 01.06.1991 and has been in possession of the said land, admeasuring 562.64 square feet, since then. For regularization of the said land and grant of leasehold rights, the petitioner-in-person has filed an application on 30.06.2022, pursuant to which proceedings were initiated by the Tahsildar under Section 5-A of the Act of 1984. However, following the issuance of the impugned circular dated 23.07.2024, whereby the State Government withdrew the earlier circular providing for regularization of such land and grant of leasehold rights, the proceedings were closed by the Tahsildar vide order dated 29.08.2024, which was subsequently affirmed by the higher authorities, and the appeal of

the petitioner-in-person before the Commissioner was also rejected. She further submits that the impugned circular cannot override the statutory rights available to the petitioner-in-person under the Act of 1984 and the Chhattisgarh Nagriya Kshetron Ke Awasheen Vyakti Ko Pattadhriti Adhikar Adhiniyam, 2023, particularly Section 12 thereof, which provides for regularization of land in the possession of eligible persons. She contends that closing the proceedings without deciding the application of the petitioner-in-person on its merits is arbitrary, illegal and contrary to the aforesaid statutory provisions, as well as violative of Article 21 of the Constitution of India. She, therefore, prays that the impugned circular and order be set aside and the authorities be directed to decide the application of the petitioner-in-person for regularization in accordance with law.

4. On the other hand, learned counsel for the State opposes the submissions made by the petitioner-in-person and submits that the State Government, vide its circular dated 23.07.2024, withdrew the earlier circulars dated 11.09.2019, 26.10.2019, 20.05.2020 and 24.02.2022 concerning the allotment of government land in urban areas, regularization of encroached land and grant of ownership rights. He further submits that, in view of the withdrawal of the aforesaid circulars, no orders could be passed in pending proceedings under the withdrawn circulars, and the proceedings in which no final orders had been passed were required to be consigned to the record room. He further

submits that the State Government subsequently issued a notification dated 13.05.2026, prescribing the eligibility criteria for grant of lease under the Chhattisgarh Nagariya Kshetron Ke Awasheen Vyakti Ko Pattadhriti Adhikar Adhiniyam, 2023, including the condition that the annual family income of the applicant must not exceed Rs. 3,00,000/-. He, therefore, prays that the petition may be dismissed.

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

6. Considering the facts and circumstances of the case and further considering the fact that according to the petitioner-in-person her mother and she herself is residing the land in question after constructed home since long back. She has filed an application for settlement of lease of land in question as such she is directed to file an appropriate application for rehabilitation of the land in question in accordance with law within a period of 30 days from the date of receipt of a copy of this order. Upon receipt of such application, the concerned authorities are directed to consider the same in light of the petitioner's long-standing possession and in accordance with the applicable rules and regulations, after inviting objections from the other parties, and to decide the application within a further period of 60 days after granting an opportunity of hearing to all necessary parties in a pragmatic manner.

7. Till 60 days, the concerned authorities are directed not to take

any coercive steps against the petitioner-in-person.

8. It is made clear that this Court has not expressed anything on the merits of the case.

9. With this observation and direction, the writ petitions stand **disposed of.**

Sd/-

(Amitendra Kishore Prasad)
Judge

Raghu Jat