CGHC010405792026 2026:CGHC:46984

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 5246 of 2026

1 - Biselal Gajpal Son Of Shri Bikutram Gajpal, Aged About 66 Years Resident Of Ward No.45, Ramkrishna Nagar, Tahsil And District -Durg (C.G.)

2 - Ashok Mumar Nawani, Son Of Shri Tekchand Nawani, Aged About 58 Years Resident Of Maruti Vihar, Mohba Bazar, Tahsil And District- Raipur (C.G.)

3 - Manihar Talreja, Son Of Shri Indrajeet Singh Talreja, Aged About 47 Years Resident Of Lalbag Sindhi Colony Tahsil And District - Rajnandgaon (C.G.)

... Petitioner(s)

versus

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

2 - The Collector, Rajnandgaon, District -Rajnandgaon (C.G.)

3 - The Sub- Divisional Officer (Revenue) And Land Acquisition Officer, Rajnandgaon, District -Rajnandgaon (C.G.)

.. Respondent(s)

For Petitioner(s)	:	Ms. Pranoti Das, Advocate.
For Respondent(s)	:	Dr. Arham Siddiqui, PL.

Hon'ble Mr. Justice Amitendra Kishore Prasad
Order on Board

05/11/2026

1. Learned counsel for the petitioners submits that the instant writ petition has been filed against illegal, arbitrary and discriminatory action particularly on the part of respondent no. 2 in not granting permission to

the petitioners to sale out their joint property to achieve their domestic need.

2. Learned counsel for the petitioners submits that petitioners have applied for grant of permission on 21.08.2025 before the Respondent no. 2 for selling out their joint land bearing Khasra no. 15029 admeasuring area 1.067 hectares and Khasra no. 15036 admeasuring area 1.239 situated at Village-Tedesara, Tahsil & District-Rajnandgaon (C.G.), but till date, respondent no. 2 has not accorded permission in favour of petitioners.

3. Learned counsel for the petitioners submits that due to laying down of railway line in Kharsiya-Naya Raipur-Parmalkasa, vide order dated 11.04.2025, Respondent no. 2 has restricted the sale-purchase of lands situated at Village-Tedesara, Indawani, Farhad, Baigatola, Kakrel, Mahuabhatha, Parmalkasa, Tumdilewa. On 21.08.2026, the Executive Engineer, Public Works Department, Rajnandgaon Division has submitted no objection before the respondent No. 3 in respect of aforesaid lands of petitioners for sale, as the land of petitioners are situated 27 meters away from the proposed bypass road. In turn, vide letter dated 31.08.2026, the Respondent no. 3 has submitted report before the respondent no. 2, mentioning therein that the lands of petitioners are situated 1.500 km away from the proposed rail line and the lands of petitioner are not likely to be acquired for laying of railway line.

4. Learned counsel for the petitioners submits that inspite of above NOC and report, till date, Respondent no. 2 has not accorded permission in favour of petitioners to sale out their lands, without any rhyme or reason.

5. Learned State counsel submits that Executive Engineer, Public Works Department has forwarded a memorandum dated 21.08.2026 to Sub-Divisional Officer and Land Acquisition Officer, Rajnandgaon, in which, the Executive Engineer has stated that the land of the petitioners is located at a distance of 27.00 meters from Tedesara-Kolihadharsa Public Works Department Road, which does not fall within the alignment of the proposed Rajnandgaon-Khairagarh bypass road and as such, the said division has no objection for the sale or purchase of the land in question. The relevant portion of the said memorandum reads as under:-

> "उपरोक्त संदर्भित पत्र के माध्यम से प्राप्त आवेदन में आवेदक श्री बिसेलाल गजपाल श्री अशोक कुमार नवानी, श्री मनोहर तलरेजा निवासी- लालबाग राजनांदगांव के निज स्वामित्व की भूमि ग्राम टेडेसरा, स्थित भूमि खसरा नं. 15029 व 15036 भूमि का अनुविभागीय अधिकारी लोक निर्माण विभाग उपसंभाग क. 1 राजनांदगांव ने संबंधित, उपअभियंता एवं स्थल सहायक के द्वारा निरीक्षण करवा लिया गया है।
>
> उक्त भूमि टेडेसरा कोलिहाधरसा लोक निर्माण विभाग मार्ग के किमी. 1/2 में मार्ग के मध्य से लगभग 27.00 मीटर की दूरी पर स्थित है। यह भूमि प्रस्तावित राजनादगांव - खैरागढ़ बायपास मार्ग के संरेखन में नहीं

आ रहा है। अतः आवेदित भूमि का कय-विक्रय किया जाता है तो इस संभाग को कोई आपत्ति नहीं होगी।"

6. I have heard counsel for the parties and perused the documents annexed with the petition especially Annexure P/3 dated 21.08.2026.

7. In view of the aforesaid submissions and the memorandum dated 21.08.2026 issued by the Executive Engineer, Public Works Department, Rajnandgaon Division, the instant writ petition is **disposed of** with a direction to respondent No. 2 to consider and decide the application submitted by the petitioners, in accordance with law, taking into consideration the aforesaid memorandum dated 21.08.2026, expeditiously, preferably within a period of 60 days from the date of receipt of a copy of this order.

8. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioners and the Collector is at liberty to pass orders on its own merits.

Sd/-
(Amitendra Kishore Prasad)
Judge

Avinash