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AVINASH SHARMA
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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 5255 of 2026

1 - Smt. Sushila Bai W/o Shrilal Sidar Aged About 44 Years R/o 133, Ward 09, Harethi Kalan, P.O. Harethikala, District Sakti Chhattisgarh

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development Department, Mantralaya, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh

2 - The Collector Sakti District Sakti Chhattisgarh

3 - The Chief Executive Officer Janpad Panchayat Jaijaipur, District Sakti Chhattisgarh

4 - Sub-Divisional Officer Hasoud/ Sakti, District Sakti Chhattisgarh

5 - The Deputy Director (Panchayat) District Sakti Chhattisgarh

6 - The Director, Panchayat Directorate Of Panchayat And Rural Development, Nava Raipur, District Raipur Chhattisgarh

7 - Kamli Bai Yadav W/o Prem Lal Yadav Panch (Ward No. 09) R/o Gram Panchayat Harethi Kala, Tahsil Hasoud, District Sakti Chhattisgarh

8 - Lila Bai Sidar W/o Sanad Kumar Sidar Panch (Ward No. 08) R/o Gram Panchayat Harethi Kala, Tahsil Hasoud, District Sakti Chhattisgarh

9 - Tulsi Bai Satnami W/o Ramhaiya Satnami Panch (Ward No. 13) R/o Gram Panchayat Harethi Kala, Tahsil Hasoud, District Sakti Chhattisgarh

10 - Hirabai Satnami W/o Bhola Ram Satnami Panch (Ward No. 12) R/o Gram Panchayat Harethi Kala, Tahsil Hasoud, District Sakti Chhattisgarh

11 - Badra Bai Satnami W/o Devram Satnami Panch (Ward No. 14) R/o Gram Panchayat Harethi Kala, Tahsil Hasoud, District Sakti Chhattisgarh

12 - Prema Devi W/o Krishna Kumar Sahu Panch (Ward No. 02) R/o Gram

Panchayat Harethi Kala, Tahsil Hasoud, District Sakti Chhattisgarh

13 - Ramlal S/o Ram Singh Satnami Panch (Ward No. 15) R/o Gram Panchayat Harethi Kala, Tahsil Hasoud, District Sakti Chhattisgarh

14 - Budhram Tandon S/o Firtu Ram Satnami Panch (Ward No. 04) R/o Gram Panchayat Harethi Kala, Tahsil Hasoud, District Sakti Chhattisgarh

.. Respondent(s)

For Petitioner(s)	:	Shri SC Verma, Senior Advocate with Ms. Pooja Sahu and Mr. Mohammed Naqeeb, Advocates.
For State/respondent	:	Shri Akhilesh Kumar, GA.

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

14/10/2026

1. Learned Senior Counsel for the petitioner submits that Petitioner herein, Smt. Sushilabai, is the democratically elected Sarpanch of Gram Panchayat Harethi Kala, functioning under the territorial jurisdiction of Janpad Panchayat Jaijaipur, District Sakti, Chhattisgarh.
2. He further submits that by virtue of her elected office, the Petitioner is legally obligated to oversee the lawful administration of the Gram Panchayat and to safeguard public properties from unauthorized occupation. In the diligent discharge of her official duties, the Petitioner discovered that multiple elected Panchs within her own Gram Panchayat had flagrantly violated the law by encroaching upon government lands for the construction of houses and fields, and had deliberately concealed this disqualifying fact while filing their election nomination forms.
3. Learned counsel for the petitioner submits that Eight elected Panchs of the said Gram Panchayat, Harethi Kala, have engaged in gross illegalities by encroaching upon various parcels of government land to unlawfully construct houses, agricultural fields, and enclosures (Biyara). Specifically, the details of

the illegal encroachments are as follows: Kamli Bai Yadav (Panch, Ward No. 09, Respondent No.7) and Prema Devi (Panch, Ward No. 02, Respondent No.12) have encroached upon government land bearing Khasra No. 474/1. Lila Bai Sidar (Panch, Ward No. 08, Respondent No.8) has illegally occupied Khasra No. 310/3. Tulsi Bai Satnami (Panch, Ward No. 13, Respondent No.9) has encroached upon Khasra No. 593/1. Hirabai Satnami (Panch, Ward No. 12, Resopndent No.10) has unlawfully occupied Khasra No. 593/1/45. Badra Bai Satnami (Panch, Ward No. 14, Respondent No.11) has encroached upon Khasra No. 393/4/9. Furthermore, Ramlal (Panch, Ward No. 15, Respondent No.13) has illegally occupied government land bearing Khasra No. 595/1. These brazen acts of encroachment upon public property for personal use render all the aforementioned individuals explicitly liable for disqualification from their respective elected posts under the statutory provisions of Section 36 of the Chhattisgarh Panchayat Raj Adhiniyam, 1993.

4. Learned counsel for the petitioner submits that in this regard, petitioner submitted a detailed representation before the concerned Collector and by way of this petitioner, he is only praying for expeditious disposal of the said representation submitted by the Petitioner, when notices have already been issued to the private respondents.

5. On the other hand, counsel for the State submits that the concerned Tehsildar has taken cognizance of the matter and he will consider and decide the representation of the petitioner in accordance with law, within stipulated period.

6. Considering the limited prayer made by the petitioner and the fact that Tehsildar has already taken cognizance of the matter, this Writ Petition is

disposed of with a direction to the Tehsildar concerned to proceed in the matter in accordance with law, after giving notice and calling reply from all affected persons and thereafter submit a report ascertaining therein whether the land in question is government land, among others, within 60 days from the date of receipt of copy of this order to the Collector who in turn is also directed to consider and decide the matter (Annexure P/1) within a period of 30 days from the date of receipt of report from Tehsildar.

7. It is made clear that this Court has not expressed any opinion on the merits of the case and the concerned authorities shall decide the matter on their own merits, after giving due opportunity of hearing to all the parties, in accordance with law.

Sd/-

(Amitendra Kishore Prasad)
Judge

Avinash