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HIGH COURT OF CHHATTISGARH AT BILASPUR

WA No. 1048 of 2026

Rajulal Prajapati S/o Shri Heeralal Prajapati, Aged About 49 Years, Caste Kumhar, R/o Village Kauhi, Tahsil Patan, District Durg (C.G.)

... Appellant

versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Revenue, Mantralaya, Mahanadi Bhawan, Nava Raipur Atal Nagar, District- Raipur (C.G.)

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

3 - The Sub Divisional Officer (Revenue) Durg, District Durg (C.G.)

4 - The Tahsildar, Tahsil Patan, District Durg (C.G.)

5 - The Naib Tahsildar, Tahsil Patan, District Durg (C.G.)

... Respondents

For Appellant	**:**	Mr.Khemchand Prajapati, Advocate
For Respondents	**:**	Mr.Amit Buxy, Deputy Government Advocate

Hon'ble Shri Krushna Ram Mohapatra, Chief Justice

Hon'ble Shri Santosh Sharma, Judge

Judgment on Board

***Per Krushna Ram Mohapatra*, Chief Justice**

30.10.2026

1. Heard Mr.Khemchand Prajapati, learned counsel for the appellant

as well as Mr.Amit Buxy, learned Deputy Government Advocate appearing for the respondents/State.

2. The order dated 23.09.2026 (Annexure A-1) passed by learned Single Judge in WPC No.4829/2026 is under challenge in this intra-court appeal, whereby the writ petition filed by the present appellant was dismissed.

3. Learned counsel for the appellant submits that an order of eviction was passed against the appellant without affording him an opportunity of hearing and a warrant of eviction was issued vide order dated 27.08.2026 (Annexure P-1 to the writ petition). Since the appellant was not afforded with an opportunity of hearing in the eviction proceeding, he filed WPC No.4829/2026, wherein the impugned order has been passed. It is further submitted that the appellant had also prayed for settlement of the Government land in his possession. Learned Single Judge disposed of the writ petition with a direction that the appellant should file appropriate reply before the concerned authority within a period of 15 days from the date of receipt of the said order. The competent authority was also directed to consider the grievance of the appellant and pass appropriate orders in accordance with law.

4. Learned counsel for the appellant further submits that the appellant being a landless person, was earning his livelihood from pottery business, encroaching upon a piece of the Government land and was residing thereon. Since the land in question was

adjacent to a school, an eviction proceeding was initiated against the appellant and subsequently, he was directed to be evicted. It is his submission that learned Single Judge while issuing aforesaid directions at para 9 of the impugned order made it clear that the Court has not expressed any opinion on the merits of the case of the appellant. The appellant being aggrieved by such observation has filed the writ appeal.

5. Mr.Buxy, learned Deputy Government Advocate appearing for the respondents/State, on the other hand, refuting to the submission made by learned counsel for the appellant submits that against an order of eviction, the appellant had a remedy under Section 44(a) of the Chhattisgarh Land Revenue Code, 1959 (for brevity “the Code”). Without availing such remedy and without assailing the order of eviction, the writ petition was filed. The appellant only challenged the warrant of eviction without challenging the order of eviction. The order of eviction was passed against the appellant on 13.05.2026 in Misc. Petition No.1196/2026. Such order was neither enclosed to the writ petition nor assailed. Thus, the writ petition was not at all maintainable. An objection to that effect was also filed before learned Single Judge by the State. He, therefore, submits that if the appellant has any grievance with regard to the order of eviction, he could have filed an appeal under Section 44(a) of the Code.

6. Taking note of the submissions made by learned counsel for the

parties, this Court finds that learned Single Judge had given an opportunity to the appellant to raise his grievance before the competent authority and has protected his possession for a period of 60 days from the date of impugned order. Thus, this Court finds that the appellant has no subsisting grievance in the matter. Further, the appellant has a remedy of appeal under Section 44(a) of the Code to challenge the order of eviction.

7. In view of the above, we find no reason to interfere with the impugned order under Annexure A-1. Accordingly, the writ appeal, being devoid of any merits, stands **dismissed**.

Sd/-
(Santosh Sharma)
Judge

Sd/-
(Krushna Ram Mohapatra)
Chief Justice

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