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RUCHI YADAV Digitally signed by RUCHI YADAV

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 5478 of 2026

1 - Karunakar Patel S/o Shri Lalaram Patel Aged About 55 Years R/o Village Pakargaon, Tehsil Lailunga, District Raigarh (C.G.)

... Petitioner(s)

versus

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

2 - Collector District Raigarh (C.G.)

3 - Tahsildar Tehsil Lailunga, District Raigarh (C.G.)

4 - Smt. Asha Mishra W/o Shri Krishnachand Mishra Aged About 46 Years R/o Village Lamdand, Tehsil Lailunga, District Raigarh (C.G.)

... Respondent(s)

(Cause title taken from CIS Periphery)

For Petitioner(s)	:	Ms. Renu Kochar along with Ms. Swarnim S. Kochar, Advocate
For State/Respondent	:	Mr. Shobhit Mishra, Dy. G.A., appears on advance copy

SB: Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

30/10/2026

1. By way of this petition, the petitioner has prayed for following reliefs:-

> “10.1 That this Hon'ble Court may kindly be pleased to call for the record of Revenue Case No. 202603040900083/B-121/2026 from the court of respondent No. 3.
>
> 10.2 That this Hon'ble Court may kindly be pleased to issue a writ in the nature of certiorari quashing the order dated 08.06.2026 passed by the Tahsildar, Lailunga, District Raigarh in Revenue Case No. 202603040900083/B-121/2026 (Annexure P/1).
>
> 10.3 That this Hon'ble Court may kindly be pleased to issue a writ in the nature of mandamus directing respondent No. 3 to treat the application of the petitioner as one under Section 250 of the Chhattisgarh Land Revenue Code, 1959, decide it on the basis of the demarcation report dated 09.04.2026 (Annexure P/7), and restore possession of the encroached portion to the petitioner, within a time frame fixed by this Hon'ble Court.
>
> 10.4 That this Hon'ble Court may kindly be pleased to restrain respondent No. 4 from raising any construction over, altering the nature of, or creating third party rights in the land in question, and to direct respondents No. 2 and 3 to ensure compliance.
>
> 10.5 That this Hon'ble Court may be further pleased to award costs of the petition and to pass any other order / writ

/direction deemed just and proper in the facts and circumstances of the case."

2. Learned counsel appearing for the petitioner submits that the petitioner had filed an application seeking protection against interference with the land in question. However, the concerned Tahsildar, upon perusal of the said application, observed that the petitioner ought to file an application under Section 250 of the Chhattisgarh Land Revenue Code, 1959 (for short, "the CGLRC"). Learned counsel for the petitioner further submits that although the application was not specifically titled as an application under Section 250 of the CGLRC, the substance and relief sought therein clearly indicate that it is, in fact, an application under the said provision.

3. Learned State counsel, appearing for the respondents/State, submits that the application may be considered by the competent authority in accordance with the provisions of law.

4. Heard learned counsel for the parties and perused the material available on record.

5. From a perusal of the contents of the application filed by the petitioner, this Court finds that the application, in substance, is an application under Section 250 of the CGLRC. Merely because the provision of law has not been specifically mentioned in the title of the application, the same would not alter its true nature or substance.

6. In view of the aforesaid facts and circumstances of the case, the concerned Tahsildar is directed to treat the application filed by the petitioner as an application under Section 250 of the CGLRC and to

consider and decide the same, in accordance with law, on its own merits.

7. The petitioner is directed to appear before the concerned Tahsildar on 03.11.2026 along with a copy of the application filed before this Court.

8. Till then, the respondent authorities are directed to ensure that no construction is raised over the land in question.

9. With the aforesaid observations and directions, the present petition stands **disposed of**.

Sd/-

(Amitendra Kishore Prasad)
Judge

Ruchi