CGHC010417032026 2026:CGHC:45949

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 5456 of 2026

1 - Kumatram Dhruw S/o Hariram Dhruw Aged About 61 Years Caste - Gond, R/o House No. 72, Ward No. 06, Village - Ghoinabahara Kala, Tehsil - Komakhan, District - Mahasamund C.G.

... Petitioner

versus

1 - State Of Chhattisgarh Through Secretary, Revenue Department, Mantralaya, Atal Nagar, Nawa Raipur, District - Raigarh C.G.

2 - The Additional Collector, Mahasamund, District - Mahasamund C.G.

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

4 - The Tehsildar, Tehsil - Komakhan, District - Mahasamund C.G.

5 - Chandrahas Sinha S/o Bhukhan Sinha Aged About 45 Years R/o Village - Komalkhan, Tehsil - Komakhan, District - Mahasamund C.G.

... Respondents

For Petitioner	**:**	Mr. Dhirendra Prasad Mishra, Advocate
For State	**:**	Mr. Hariom Rai, PL

Hon'ble Shri Justice Amitendra Kishore Prasad

Order on Board

30/10/2026

1. The petitioner, in this Writ Petition, has prayed for the following reliefs:-

“10.1) That, this Hon'ble Court may kindly be pleased to call for the records pertaining to the case.

10.2) That, this Hon'ble Court may kindly be pleased to quash and set-aside the order dated 30.07.2026 passed by the learned Additional Collector, Mahasamund, District Mahasamund (C.G.) i.e., Respondent No. 02

10.3) That, this Hon'ble Court may kindly be pleased to direct that the petitioner be permitted to continue and complete his construction on Khasra No. 224/2.

10.4) That, in the alternative, this Hon'ble Court may kindly be pleased to direct the Additional Collector, Mahasamund, District Mahasamund (C.G.) to decide the Second Appeal expeditiously within a time frame fixed by this Hon'ble Court.

10.5) That, this Hon'ble Court may kindly be pleased to award the compensation for loss, as may be deemed fit.

10.6) That, this Hon'ble Court may kindly be pleased to pass any other order(s) as may be deemed fit, in the interest of justice.”

2. Learned counsel for the petitioner submits that the petitioner is raising construction over his own land, however, the concerned revenue authorities have erroneously held that the construction is being raised over Government land. He further submits that an appeal was preferred before the concerned Additional Collector, Mahasamund, wherein, vide order dated 30.07.2026, the construction raised by the petitioner has been stayed. He further submits that the appeal filed by respondent No. 5 is

pending consideration before the concerned authority and therefore, the said authority may be directed to decide the appeal expeditiously.

3. Learned State counsel has no objection to the prayer made by learned counsel for the petitioner.

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

5. Considering the facts and circumstances of the case, particularly the fact that an order of stay has already been passed vide order dated 30.07.2026 in the appeal filed by respondent No. 5, this Court is of the view that it would be expedient in the interest of justice to direct the concerned Additional Collector to decide the appeal itself on its own merits, after affording due opportunity of hearing to all the concerned parties, in accordance with law, preferably within a period of 45 days from the date of receipt of a copy of this order.

6. It is made clear that this Court has not expressed any opinion on the merits of the case.

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

Sd/-

(Amitendra Kishore Prasad)
Judge

Priyanka