CGHC010417792026 2026:CGHC:46153

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 5453 of 2026

1 - Muritram Patel S/o Late Bhawani Prassad Aged About 44 Years Resident Of Village Changori, Police Station And Tahsil- Akaltara, District- Janjgir-Champa, Chhattisgarh.

VISHAKHA BEOHAR Digitally signed by VISHAKHA BEOHAR

2 - Rajaram Patel S/o. Bhawanlal Patel Aged About 51 Years Resident Of Village Changori, Police Station And Tahsil- Akaltara, District- Janjgir-Champa Chhattisgarh

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through Secretary, Department Of Revenue And Disaster Management, Mantralaya, Mahandi Bhawan, New Raipur District- Raipur, Chhattisgarh.

2 - Collector Janjgir-Champa District- Janjgir-Chamap Chhattisgarh

3 - Sub Divisional Officer (Revenue) Akaltara, District- Janjgir-Champa Chhattisgarh.

4 - Tahsildar Akaltara, District- Janjgir-Champa Chhattisgarh.

5 - Chottelal Patel S/o Firturam Aged About 53 Years Resident Of Village Changori, Police Station And Tahsil- Akaltara, District- Janjgir-Champa Chhattisgarh.

... Respondents

(Cause-title taken from the Case Information System)

For Petitioner :- Mr. Shantanu Kumar, Advocate

For State :- Mr. Anil Pandey, G.A.

SB- Hon'ble Shri Justice Amitendra Kishore Prasad

Order On Board

02.11.2026

1. The present writ petition is preferred against the 'dispossession Warrant' dated 04/06/2026, whereby the respondent no. 4, has directed the petitioners to remove encroachment of Area 40 x 30 sq.feet made by petitioners upon government land i.e. Khasra no. 369/1 total Rakba 2.5010 Hector, at village Changori, P.H.N. 1 at Revenue Circle - Ranimandal, Kotgarh, Tahsil - Akaltara, District Janjgir Champa, Chhattisgarh.

2. The facts of the case, in brief, are that the petitioners are permanent residents of Village Changori, Tahsil Akaltara, District Janjgir-Champa, Chhattisgarh, and are dependent upon agricultural and labour work for their livelihood. They claim to have been in possession of a small piece of Government land measuring 40 x 30 square feet, forming part of Khasra No. 369/1, admeasuring 2.5010 hectares, situated at Village Changori, for more than 40 years, where they have constructed small structures and developed a *badi* for agricultural purposes. It is the case of the petitioners that respondent No. 5, who owns the adjoining private land bearing Khasra No. 370, permitted one Dukalu to

encroach upon the adjoining Government land, thereby obstructing access to the petitioners' land. Thereafter, respondent No. 5 filed an application under Section 248 of the Chhattisgarh Land Revenue Code, 1959, before the Tahsildar, alleging encroachment by the petitioners upon his land. According to the petitioners, the alleged encroachment was situated on Government land bearing Khasra No. 369/1 and not on the private land of respondent No. 5. The petitioners further contend that, without issuing notice or conducting demarcation to ascertain the actual location of the alleged encroachment, the revenue authorities issued a dispossession warrant dated 04.06.2026, directing them to remove the alleged encroachment. Aggrieved thereby, the petitioners preferred an appeal before respondent No. 3 on 30.06.2026. However, during the pendency of the appeal, respondent No. 4 demolished the construction raised by petitioner No. 1 up to the DPC and column level and the construction raised by petitioner No. 2 up to the plinth level on 16.06.2026. The petitioners claim to have been in peaceful possession of the land for more than 40 years and submit that they belong to below-poverty-line families. Alleging that their constructions were demolished without following the due process of law and without proper determination of the land in question, they have approached this Court seeking following appropriate reliefs :-

> "*10.1 This Hon'ble Court may kindly be pleased to direct the respondent State to call relevant records, pertaining to the instant matter*
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> *10.2 This Hon'ble Court may kindly be pleased to issue appropriate writ/direction/order for quashing the impugned order dated 04/06/2026 passed by Tahsildar (respondent no. 4) (Annexure P/1).*
>
> *10.3. This Hon'ble Court may kindly be pleased to issue appropriate writ/order/direction, to the respondents not to dispossess the petitioners from aforesaid land i.e. small area of 40 x 30 sq.feet from government land i.e. Khasra no. 369/1 total area 2.5010 Hector situated at village Changori, P.H.N. 1 at Revenue Circle - Kotgarh, Tahsil - Akaltara, Chhattisgarh.*
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> *10.4 This Hon'ble Court may kindly be pleased to issue appropriate writ/order/direction, for considering for petitioner's representation dated 30/06/2026 (Annexure P/9).*
>
> *10.5 This Hon'ble Court may kindly be pleased to Grant any other relief(s) deemed fit and proper in the facts and circumstances of the case, including costs of the petition."*

3. Learned State counsel submits that an appeal under Section 44(1) of the Chhattisgarh Land Revenue Code, 1959, challenging the impugned order, is already pending before the concerned Sub-Divisional Officer (Revenue), having been filed on

30.06.2026. In view of the availability of the statutory remedy and pendency of the appeal, the present petition is not maintainable.

4. Learned counsel appearing for the petitioners, at this stage, submits that, having regard to the apprehension of dispossession, the petitioners have approached this Court by way of the present writ petition.

5. Considering the facts and circumstances of the case and the submission made by learned State counsel regarding the pendency of the statutory appeal under Section 44(1) of the Chhattisgarh Land Revenue Code, 1959, this Court is not inclined to entertain the present writ petition at this stage. Accordingly, the writ petition is **disposed of** with liberty reserved in favour of the petitioners to pursue the pending appeal before the competent appellate authority.

6. The petitioners are further granted liberty to file an appropriate application under Section 52 of the Chhattisgarh Land Revenue Code, 1959, if not already filed, before the competent appellate authority within a period of 10 days from today. In the event such an application is filed within the stipulated period, the competent appellate authority shall consider and decide the same, in accordance with law, within a further period of 10 days from the date of its filing.

7. In the meanwhile, for a period of 20 days from today, the respondent authorities are directed not to take any coercive action against the petitioners in pursuance of the impugned dispossession warrant dated 04.06.2026.

8. It is made clear that this Court has not expressed any opinion on the merits of the dispute, and the competent appellate authority shall consider the matter independently, in accordance with law.

9. With the aforesaid liberty and directions, the writ petition stands **disposed of.**

sd/-

(Amitendra Kishore Prasad)
Judge

Vishakha