CGHC010428522026 2026:CGHC:46154

RUCHI YADAV Digitally signed by RUCHI YADAV

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 5496 of 2026

1 - Najama Begum W/o Mohd Kalam Aged About 47 Years

2 - Mohd Shahid Anwar S/o. Mohd Kalam Aged About 29 Years

3 - Mohd Shahid Afridi S/o. Mohd Kalam Aged About 29 Years

All are R/o Ward No. 4, Jagatpur, Naya Mohalla, Raigarh, Tahsil And Distt.- Raigarh (C.G.)

... Petitioner(s)

versus

1 - State of Chhattisgarh Through Secretary, Department Of Urban Administration And Development, Mahanadi Bhavan, Mantralay Naya Raipur, District Raipur (C.G.)

2 - Collector Raigarh, District- Raigarh (C.G.)

3 - The Sub Division Officer (Revenue) Raigarh, Distt.- Raigarh (C.G.)

4 - The Tahsildar, Raigarh Distt.- Raigarh (C.G.)

5 - The Municipal Corporation Through The Commissioner, Municipal Corporation, Raigarh, District Raigarh (C.G.)

6 - Smt. Bhalkuni D/o. Mansingh Kanwar, W/o. Munnalal Rathiya, Aged About 62 Years R/o. Tarpali, Tahsil And Distt.- Raigarh (C.G.)

... Respondent(s)

(Cause title taken from CIS Periphery)

For Petitioner(s)	:	Mr. Rajendra Tripathi, Advocate
For State/Respondent	:	Mr. Shobhit Mishra, Dy. G.A., appears on advance copy
For Respondent No.5	:	Ms. Swati Agrawal, Advocate, appears on advance copy

SB: Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

02/11/2026

1. By way of this petition, the petitioners have prayed for following reliefs:-

> " i. That, this Hon'ble Court may kindly be pleased to quash/ set-aside the notice dated 16.03.2026 passed by the respondent authority.
>
> ii. That, this Hon'ble Court may kindly be pleased to direct the respondent authorities to not interfere and evict the peacefully possession of the petitioner and not to demolish the structure of petitioner.
>
> iii. Cost of the petition may also be granted to the petitioner.
>
> iv. Any other relief, which this Hon'ble Court deems fit and proper, may also kindly be granted to the petitioner, in the interest of justice."

2. Learned counsel for the petitioners submits that the notice dated 16.03.2026 has been wrongly issued to the petitioners. It is contended that the land in question is not covered by the order dated 22.05.2018 and, therefore, the authorities could not have issued the impugned notice to the petitioners.

3. Per contra, learned State counsel submits that the petitioners ought to first appear before the concerned authority and place all their submissions with regard to the notice dated 16.03.2026. It is submitted that merely because the notice has been issued by the Tehsildar, the petitioners cannot directly invoke the writ jurisdiction of this Court without first approaching the competent authority and, thereafter, if any adverse order is passed against them, they may avail the appropriate remedy in accordance with law.

4. Learned counsel appearing for respondent No.5 submits that the petitioners may first avail the remedy before the competent authority by filing their reply to the impugned notice and raising all their objections and contentions. It is submitted that the competent authority may thereafter consider the same and pass an appropriate order in accordance with law.

5. I have heard learned counsel for the parties and perused the material available on record.

6. In view of the submissions made by learned counsel for the parties, without expressing any opinion on the merits of the controversy, the petitioners are directed to file their detailed reply to the notice dated 16.03.2026 before the concerned Tehsildar within a period of 10 days from today, raising all the objections and contentions available to them, including the contention that the land in question is not covered by the order dated 22.05.2018.

7. Upon receipt of such reply, along with the relevant documents relied upon by the petitioners, the concerned authority shall consider the same and pass an appropriate and reasoned order in accordance with

law, after affording due opportunity of hearing to the petitioners as well as the other concerned parties in whose favour the order dated 22.05.2018 has been passed, within a further period of 45 days.

8. For a period of 10 days from today, no coercive steps shall be taken against the petitioners pursuant to the notice dated 16.03.2026, provided execution/compliance of the said notice has not already been effected.

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

Sd/-

(Amitendra Kishore Prasad)
Judge

Ruchi