CGHC010432762026 2026:CGHC:45974

RUCHI YADAV Digitally signed by RUCHI YADAV

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 5513 of 2026

1 - Ramkumar Dansena S/o Shri Amritlal Dansena Aged About 56 Years R/o Village -Rajpur, Post- Bhupdeopur, Tehsil Kharsia, District Raigarh (C.G.)

2 - Harikrishan Jaiswal S/o Shri Ramkumar Dansena Aged About 38 Years R/o Village Rajpur, Post- Bhupdeopur Tehsil Kharsia, District Raigarh (C.G.)

... Petitioner(s)

versus

1 - State of Chhattisgarh Through The Secretary, Department Of Revenue Mantralaya, Raipur, Chhattisgarh

2 - The Collector District Raigarh, Chhattisgarh

3 - The Naib Tehsildar Tehsil Kharsia, District Raigarh, Chhattisgarh

4 - Raghunath Dansena R/o Village Rajpur, Tehsil Kharsia, District Raigarh, Chhattisgarh

... Respondent(s)

(Cause title taken from CIS Periphery)

For Petitioner(s)	:	Mr. Anurag Verma, Advocate
For State/Respondent	:	Mr. Akhilesh Kumar, 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 petitioners have prayed for following reliefs:-

> “10.1 Issue a Writ of Certiorari or any other appropriate writ to quash and set aside the impugned eviction order dated 23.10.2026 passed by the respondent no.3, in revenue Case No. revenue 202606040500057/A-68/2025-26.
>
> 10.2 Stay the operation and execution of the impugned order dated 23/10/2026 and restrain the respondents from dispossessing the petitioners or demolishing their residential house pursuant thereto, during the pendency of the instant writ petition.
>
> 10.3 set aside the impugned order and remit the matter to the competent authority for fresh consideration after providing the petitioners an effective opportunity of hearing and considering all relevant documents and objections.
>
> 10.4 Any other relief(s) in favor of Petitioner as this Hon'ble Court may deem fit and proper under the facts and circumstances of the case.”

2. Learned counsel appearing for the petitioners submits that the impugned order dated 23.10.2026 has been passed by the Naib Tehsildar, Kharsia, in proceedings under Section 248 of the Chhattisgarh Land Revenue Code, 1959 (for short, “the CGLRC”), whereby the petitioners have been directed to remove the alleged encroachment. He further submits that although the petitioners have an alternative statutory remedy of filing an appeal against the said order before the competent Sub-Divisional Officer (Revenue), the impugned order directs removal of the alleged encroachment forthwith. Therefore,

the petitioners have approached this Court seeking some protection so as to enable them to avail the statutory remedy of appeal.

3. Learned State counsel, appearing for the respondents/State submits that the petitioners may avail the alternative statutory remedy available to them in accordance with law.

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 the petitioners intend to avail the statutory remedy of appeal against the impugned order, this Court deems it appropriate to grant them a period of 15 days to prefer an appropriate appeal before the competent appellate authority.

6. Accordingly, the petitioners are granted 15 days' time to prefer an appeal against the impugned order dated 23.10.2026 before the competent appellate authority.

7. In the meanwhile, for a period of 15 days, no coercive steps shall be taken against the petitioners pursuant to the impugned order dated 23.10.2026.

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

Sd/-

(Amitendra Kishore Prasad)
Judge

Ruchi