CGHC010437432026 2026:CGHC:46912

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 5645 of 2026

1 - Narayan Sahu S/o Late Bhakturam Sahu Aged About 70 Years R/o Village Lalpur, Post Dadhi, Tehsil Dadhi, District Bemetara, Chhattisgarh

2 - Dulari Sahu S/o Late Manohar Sahu Aged About 65 Years R/o Village Lalpur, Post Dadhi, Tehsil Dadhi, District Bemetara, Chhattisgarh

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Revenue And Disaster Management, Indravati Bhawan, Naya Raipur, District Raipur Chhattisgarh.

2 - The Collector Bemetara, District Bemetara Chhattisgarh.

3 - The Gram Panchayat Lalpur, Janpad Panchayat Bemetara, District Bemetara Chhattisgarh.

4 - Seva Sahakari Maryadit, Lalpur, Reg. No. 491, Branch Dadhi, District- Bemetara, Chhattisgarh.

5 - The Tehsildar Tehsil Dadhi, District Bemetara Chhattisgarh.

.. Respondent(s)

For Petitioners	**:**	Mr. Shikar Bakhtiyar, Advocate
For State	**:**	Mr. Avinash Chand Sahu, Dy. A.G.

Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

05.11.2026

1. Learned counsel appearing on behalf of the petitioners submits that the petitioners, who are senior citizens and agriculturists belonging to Village Lalpur, have challenged the legality and validity of the eviction/vacation notice dated 28.10.2026 (Annexure P/1), issued by Respondent No. 4, namely, Seva Sahakari Samiti Maryadit, Lalpur. It is contended that Respondent No. 4, being a Cooperative Society, has no statutory authority or jurisdiction to issue directions for eviction of the petitioners from the government land forming part of Khasra No. 237/1. It is further submitted that, by way of the impugned notice, the petitioners have been directed to vacate the said land for the purported construction of a new Paddy Procurement Centre (Dhan Uparjan Kendra), without following the procedure prescribed by law or approaching the competent Revenue Authority, namely, Respondent No. 5 (Tehsildar). Learned counsel further submits that the objections raised by the petitioners vide representation dated 02.10.2026 are still pending consideration and have not been duly addressed by the concerned authorities. It is also alleged that the proposed action is discriminatory in nature, inasmuch as the vacant land identified for the proposed construction has been left untouched, allegedly to protect the encroachments made by the relatives of the sitting Sarpanch, while the petitioners are being directed to vacate the land in question. Hence, the petitioners have filed the present petition seeking the following reliefs:

“ 10.1 That this Hon'ble Court may kindly be pleased to issue an appropriate writ, quashing and setting aside the impugned eviction dated letter/notice 28.10.2026 (ANNEXURE P/1 Colly) issued by Respondent No. 4 (Seva Sahakari Samiti Maryadit, Lalpur), as being wholly ultra vires, without jurisdiction, and void ab initio;

10.2 That this Hon'ble Court may kindly be pleased to issue an appropriate writ, commanding and directing Respondents No. 1 to 3 and 5 to strictly construct the proposed Dhan Uparjan Kendra over the vacant land situated adjacent to the village pond in Khasra No. 237/1 as resolved in the Gram Panchayat resolutions dated 03.09.2022 and 03.09.2025, or over other available vacant and unencumbered portions of Khasra No. 237/1;

10.3 That this Hon'ble Court may kindly be pleased to issue an appropriate writ commanding Respondents No. 1 to 5 not to dispossess the Petitioners or interfere with their peaceful possession, user, and Nistar over Khasra No. 237/1 without following the due process of law;

10.4 Any other relief, which this Hon'ble Court may deem fit and proper, may also be passed in favour of the petitioner.

2. Per contra, learned State counsel opposes the submissions advanced on behalf of the petitioners and submits that the impugned notice dated 28.10.2026 has been issued in the larger public interest for the purpose of facilitating the construction of a Paddy Procurement Centre (Dhan Uparjan Kendra) on the government land in question. It is further submitted that the petitioners have no legal right to retain possession over the government land and their objections cannot, by themselves, confer any right to continue in occupation thereof. Learned State counsel further submits that the action has been initiated in accordance with the requirements of the proposed public project and that the petitioners cannot claim any immunity from lawful eviction merely on the ground that they are senior citizens or agriculturists. Accordingly, it is submitted that the writ petition is devoid of merit and deserves to be dismissed.

3. Having heard learned counsel appearing for the respective parties and upon perusal of the material available on record, this Court is of the considered view that in the facts and circumstances of the present case, the petitioners may be granted reasonable time to vacate the land in question. Accordingly, without expressing any opinion on the rival claims raised by the parties on merits, the petitioners are directed to remove their possession from the land

in question and hand over vacant possession thereof to the concerned authorities within a period of 15 working days from the date of this order. It is further directed that during the aforesaid period of 15 working days, the respondent authorities shall not take any coercive steps against the petitioners for their eviction from the land in question,

4. With the aforesaid observations and directions this writ petition stands **disposed of.**

SD/-
(Amitendra Kishore Prasad)
Judge

AMIT PATEL