CGHC010438022026 2026:CGHC:46759

RUCHI YADAV Digitally signed by RUCHI YADAV

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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 5591 of 2026

1 - Ankit Ekka S/o Shri Amrit Kumar Ekka Aged About 36 Years R/o BD-5, Chandela Vihar, Vyapar Vihar Road, Bilaspur, Chhattisgarh

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through The Department Of Urban Administration And Development, Government Of Chhattisgarh, Mantralaya, Mahanadi Bhawan, Naya Raipur, Chhattisgarh

2 - Municipal Corporation Bilaspur Through Its Commissioner, Municipal Corporation, Bilaspur, Vikas Bhawan, Raipur Road, Nehru Chowk (Below Apex Bank), Bilaspur, Chhattisgarh – 495001

3 - Zone Commissioner Zone IV, Municipal Corporation, Bilaspur, Zone Office, Nagar Nigam Office Zone-4, Vyapar Vihar, Bilaspur, Chhattisgarh – 495004

4 - Harish Nagdone S/o Late Shri Tukaram Nagdone Aged About 52 Years R/o Nagdone Colony, Vyapar Vihar, Police Station - Civil Lines, Bilaspur, Tehsil And District - Bilaspur, Chhattisgarh

5 - Little Bear Private Limited S/o Ratan Agrawal Aged About 35 Years Through Its Director Sanjog Agrawal, R/o Nagdone Colony, Vyapar Vihar, Bilaspur, Chhattisgarh - 495001

... Respondent(s)

(Cause title taken from CIS Periphery)

For Petitioner(s)	:	Mr. Pranav Tiwari, Advocate
For State/Respondent	:	Mr. Avinash Chand Sahu, Dy. A.G., appears on advance copy
For Respondents No. 2 and 3	:	Mr. Abhijeet Mishra, Advocate, appears on advance copy
For Caveator	:	Mr. Krishna Tandon, Advocate

SB: Hon’ble Mr. Justice Amitendra Kishore Prasad

Order on Board

04/11/2026

1. By way of this petition, the petitioner has prayed for following reliefs:-

> “10.1 That, this Hon'ble Court may kindly be pleased to issue an appropriate writ of mandamus to the Respondent No. 2 & 3 i.e. Municipal Corporation, Bilaspur & Zone Commissioner, Zone IV to consider and decide the Petitioner's Representation dated 29.10.2026 (Annexure P/1) within a stipulated period, after examining the relevant documents, in the interest of justice.
>
> 10.2 That, this Hon'ble Court may kindly issue appropriate writ of mandamus to the Respondent No. 1,2 & 3 to discharge their statutory and administrative obligations concerning the identification, segregation and proper recording of land in Khasra No. 254/2 situated at Talapara, Vyapar Vihar, Bilaspur, Chhattisgarh reserved for public purposes, in the interest of justice.
>
> 10.3 Any other relief, which this Hon'ble Court may deem fit and appropriate, according to facts and circumstances of the case may also be granted.”

2. Learned counsel for the petitioner submits that the petitioner has purchased the subject property vide registered sale deed dated

19.03.2026. However, respondent No. 4 has encroached upon a part of the said land. He further submits that the petitioner has submitted a representation dated 29.10.2026 before the concerned authorities seeking appropriate action in respect of the alleged encroachment and identification of the land in question, but no action has been taken thereon. Therefore, the petitioner has approached this Court seeking a direction to the respondents to consider and decide his representation.

3. Learned counsel appearing for respondents No. 2 and 3, as well as learned counsel appearing for the caveator, oppose the submissions made by learned counsel for the petitioner and submit that the dispute with regard to the subject property is already pending consideration before the competent Civil Court in Civil Suit No. 77-A/2026, wherein the validity of the sale deed executed in favour of the petitioner and the claim for permanent injunction are also in question. They further submit that the controversy raised by the petitioner involves disputed questions of fact and title, which cannot be adjudicated in the present writ petition merely on the basis of a representation. Therefore, no direction, as prayed for by the petitioner, deserves to be issued.

4. Having heard learned counsel for the parties and upon perusal of the material available on record, it appears that the dispute with regard to the subject property is already pending consideration before the competent Civil Court in Civil Suit No. 77-A/2026. The issues relating to the validity of the sale deed executed in favour of the petitioner and the alleged encroachment are matters which are required to be adjudicated by the competent Civil Court on the basis of the evidence adduced by the respective parties.

5. In view of the fact that the matter is already sub judice before the competent Civil Court, this Court is not inclined to issue any direction to the respondent authorities to adjudicate the disputed claims of the petitioner on the basis of his representation. The petitioner may avail the appropriate remedy before the competent Civil Court in accordance with law.

6. Accordingly, finding no ground to entertain the present petition, the same is **dismissed.**

Sd/-

(Amitendra Kishore Prasad)
Judge

Ruchi