CGHC010444622026 2026:CGHC:46916

VISHAKHA BEOHAR
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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 5664 of 2026

1 - Tijan Bai Satyavanshi W/o Lakheshwar Satyavanshi, Aged About 47 Years R/o Gurughasi Das Chowk, Ward No. 18, Kawardha, Distt. Kabirdham (C.G.)

2 - Lakheshwar Singh Satyavanshi S/o Santan Das, Aged About 51 Years R/o- Gurughasi Das Chowk, Ward No. 18, Kawardha, Distt. Kabirdham (C.G.)

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through Secretary, Department Of Revenue And Disaster Management, Mantralay, Mahanadi Bhawan, Nava Raipur, Atal Nagar, Distt. Raipur (C.G.)

2 - Collector (Nuzul), District - Kabirdham (C.G.)

3 - Tehsildar (Nuzul), Kawardha, District Kabirdham (C.G.)

4 - Maljamadar, Office Of Tehsildar, Kawardha, Distt. Kabirdham (C.G.)

5 - Rajput Chatriya Samaj Kawardha, Office Shorya Bhawan, Thakur Para, Kawardha, Distt. Kabirdham (C.G.)

... Respondents

(Cause-title taken from the Case Information System)

For Petitioner :- Mr. Soumitra Kesharwani, Advocate

For State :- Mr. Shobhit Mishra, Dy. G.A.

SB- Hon'ble Shri Justice Amitendra Kishore Prasad

Order On Board

05.11.2026

1. The challenge in the instant writ petition is not against any particular order but against the arbitrary and high-handed actions of the respondent authorities, who has proceeded further to evict the petitioners from the Land bearing Plot no. 25, Sheet no. 16 D situated at Kawardha, Distt. Kabirdham (C.G.) in pursuance to the order dated 22.10.2026 issued by the Res. no. 3 in Revenue Case no. 20260908280000 A/68 Year 2025-26, which has been allotted to the petitioner no. 1 on lease in the year 2019-20, despite the fact that the petitioner has timely preferred an appeal under section 44(1) of the C.G. Land Revenue Code, 1959 [in short Code, 1959] and their application for grant of stay under section 52 of the Code, 1959 is pending consideration before the appellate authority. Hence, this petition

2. Following reliefs have been prayed in this petition:-

> *“1. That, this Hon'ble Court may kindly be pleased to call the entire records from the courts below for its kind perusal.*
>
> *2. That, this Hon'ble Court may kindly be pleased to issue a Suitable Writ Directing the Respondent no. 3 & 4 to restrain from evicting the petitioners from the land*

in question, till the final decision of the appeal which is pending before the Respondent no. 2.

3. That, this Hon'ble Court may kindly be pleased to issue a Suitable Writ directing the Respondent no. 3 & 4 not to take any coercive action against The petitioners till the decision on the application under section 52(2) of the Code, 1959 which is pending before Res. no. 2.

4. That, this Hon'ble Court may kindly be pleased to issue a Suitable Writ protecting the petitioners from eviction in pursuance of the order dated 22.10.2026 for a stipulated period of time, which the Hon'ble Court deems fit, looking to the approaching festivals and the fact that the petitioners are lease holder of the disputed land.

5. Any other relief, which may be suitable in the facts and circumstances of the case, may also be granted."

3. Learned counsel for the petitioners submits that, being aggrieved by the order dated 22.10.2026 passed by the competent authority, the petitioners have already preferred an appeal under Section 44(1) of the Chhattisgarh Land Revenue Code, 1959, before the Collector (Nazul), Kabirdham, which is pending consideration. It is further submitted that an application under Section 52(2) of the Code, 1959, seeking stay of the operation of the impugned order, has also been filed and is yet to be decided. However, during the pendency of the appeal and stay application, a removal notice dated 22.10.2026 has been issued for removal of the alleged

encroachment. Learned counsel submits that such coercive action would render the pending appellate proceedings ineffective. Accordingly, it is prayed that the effect and operation of the order dated 22.10.2026 be stayed till the next date of hearing, or at least till the appellate authority decides the pending application for interim relief.

4. Learned State counsel does not oppose the prayer made by learned counsel for the petitioners and submits that, as reflected from the record, the petitioners have already preferred an appeal before the Collector (Nazul), Kabirdham, which is pending consideration.

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

6. Considering the fact that the petitioners have already preferred an appeal against the order dated 22.10.2026 before the Collector (Nazul), Kabirdham, and the said appeal, along with the application filed under Section 52(2) of the Chhattisgarh Land Revenue Code, 1959, is pending consideration, this Court is of the view that the appellate authority should be afforded an opportunity to consider the matter. In the meantime, any coercive action pursuant to the removal notice dated 22.10.2026 may render the pending application for interim relief infructuous.

7. Accordingly, the respondent authorities are directed not to take any coercive steps against the petitioners pursuant to the removal notice dated 22.10.2026 for a period of 45 days from today. The Collector (Nazul), Kabirdham, is directed to consider and decide the pending appeal along with the application filed under Section 52(2) of the Code, 1959, as expeditiously as possible, preferably within the aforesaid period of 45 days, in accordance with law.

8. It is made clear that the interim protection granted by this Court shall remain operative only for the aforesaid period of 45 days and shall cease to operate thereafter. In case the petitioners seek any further protection, they shall be at liberty to approach the competent authority in accordance with law.

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

sd/-

(Amitendra Kishore Prasad)
Judge

Vishakha