CGHC010444702026 2026:CGHC:46933

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 5669 of 2026

1 - Raju Kandra Son Of Bajaru Kandra, Aged About 43 Years Resident Of Village Rampur, Patwari Halka No. 22, Tahsil Tundra, District Balodabazar - Bhatapara C.G.

... Petitioner

Versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Revenue Mahanadi Bhawan New Mantralaya Naya Balodabazar - Bhatapara C.G.

RAVVA UTTEJ KUMAR RAJU Digitally signed by RAVVA UTTEJ KUMAR RAJU Date: 2026.11.05 13:56:48 +05'30'

2 - The Collector, Balodabazar - Bhatapara, District Balodabazar - Bhatapara C.G.

3 - Sub Divisional Officer (Rev), Giroudhpuri, District Balodabazar - Bhatapara C.G.

4 - Tahsildar Tahsil Tundra, District Balodabazar - Bhatapara C.G.

... Respondents

(Cause title is downloaded from CIS Periphery.)

For Petitioner	:	Mr. K. P. Sahu, Advocate.
For State	:	Mr. Priyank Rathi, G.A.

Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

05.11.2026

1. By way of the present petition, the petitioner has called in question the legality, validity and propriety of the eviction notice dated 26.10.2026 issued by respondent No. 4, namely, the Tahsildar, Tahsil Tundra, District Balodabazar-Bhatapara (C.G.). The petitioner has filed the instant petition seeking following reliefs:-

> “10.1 That, the Hon'ble Court may kindly be pleased to call for entire record pertaining to the case of the petitioner, in the interest of justice.
>
> 10.2. That, the Hon’ble Court may kindly be pleased to quash/set-aside the impugned eviction notice dated 26.10.2026 (Annexure P-1) passed by the respondent No. 4 (Tahsildar), in the interest of justice.
>
> 10.3 Any other relief, which the Hon’ble Court may deem fit and proper in the facts and circumstances of the case may also be granted in favour of the petitioner.”

2. Learned counsel for the petitioner submits that the present petition has been preferred challenging the removal warrant dated 26.10.2026. It is contended that the petitioner is in possession of the land in question by virtue of a patta duly granted in his favour and, therefore, the impugned notice dated 26.10.2026, directing removal from the said land, is illegal and unsustainable in law.

3. Per contra, learned State counsel opposes the submissions advanced by learned counsel for the petitioner and submits that, in Revenue Case No. 202610213900001/A-70/2025-2026, an order dated 26.10.2026 has been passed directing removal of the

encroachment. It is contended that the petitioner has not challenged the said order before the competent appellate authority and, therefore, cannot seek to circumvent the statutory remedy by merely assailing the consequential removal warrant/notice on the ground that the same has been issued against him. Learned State counsel further submits that, once an order has been passed in duly instituted revenue proceedings, the petitioner is required to assail the same before the competent authority in accordance with the provisions of law. Having failed to avail such remedy, the petitioner is not entitled to seek a stay of the consequential notice in the present proceedings.

4. At this stage, learned counsel for the petitioner submits that the petitioner may be granted 15 days' time to prefer an appropriate appeal before respondent No. 3, namely, the Sub-Divisional Officer (Revenue), Giroudhpuri, District Balodabazar-Bhatapara (C.G.), along with an application seeking interim protection under Section 52(2) of the Chhattisgarh Land Revenue Code, 1959. He further prays that the concerned S.D.O. (Revenue) may be directed to consider and decide the application for grant of interim relief in accordance with law, particularly in view of the petitioner's claim of being in possession of the subject land on the basis of a patta granted in his favour.

5. Having considered the submissions advanced by learned counsel for the petitioner and having regard to the nature of the grievance raised, this Court deems it appropriate to dispose of the present

petition by granting liberty to the petitioner to prefer an appropriate appeal before respondent No. 3/S.D.O. (Revenue), Giroudhpuri, District Balodabazar-Bhatapara (C.G.), within a period of 15 days from today, along with an application seeking interim relief under Section 52(2) of the Chhattisgarh Land Revenue Code, 1959. In the event of such an application being filed, the concerned S.D.O. (Revenue) shall consider and decide the same, in accordance with law, by passing a reasoned order, preferably within an outer limit of 30 days from the date of its filing.

6. Till the application for interim relief is decided, no coercive steps shall be taken against the petitioner pursuant to the impugned removal warrant.

7. With this observation and direction, this petition stands **disposed of.**

Sd/-

(Amitendra Kishore Prasad)

Judge

U.K. Raju