CGHC010453562026 2026:CGHC:47357

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 5742 of 2026

1 - Jyoti Mahant W/o- Nilmani Mahant, Aged About 45 Years R/o- Sundar Nagar, Amatoli, Sitapur, District- Surguja, Chhattisgarh

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Water Resources, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nava Raipur, District Raipur (Chhattisgarh).

2 - The Collector, Surguja, Collectorate Office, Ambikapur, District Surguja (Chhattisgarh).

3 - The Executive Engineer, Water Resources Division, Ambikapur, District Surguja (Chhattisgarh).

4 - The Sub-Divisional Officer, Water Resources Sub-Division No. 02, Ambikapur, District Surguja (Chhattisgarh).

5 - The Tehsildar, Sitapur, Tehsil Office, Sitapur, District Surguja (Chhattisgarh).

6 - Sub-Divisional Officer (Revenue), Sitapur, District Surguja, Chhattisgarh.

... Respondent(s)

For Petitioner	**:**	Mr. Rishabh Gupta, Advocate
For State	**:**	Mr. Shobhit Mishra, Deputy GA

Hon'ble Shri Justice Amitendra Kishore Prasad

Order on Board

17/11/2026

1. The petitioner has filed the present writ petition and has prayed for the following reliefs:-

> *"a. issue an appropriate writ, particularly in the nature of certiorari, quashing the impugned notice dated 12.11.2026 (ANNEXURE P/1) issued by respondent No. 4 in relation to the alleged encroachment of 0.003 hectare at Khasra No. 191/15, measuring 0.003 hectare, situated at Aamatoli, Sitapur, Patwari Halka No. 20, Tehsil Sitapur, District Surguja, together with consequential coercive proceedings arising solely therefrom;*
>
> *b. issue an appropriate writ, order or direction restraining the respondents from demolishing any structure or dispossessing the petitioner from the disputed portion of Khasra No. 191/15 except upon ascertainment of the land and canal boundaries and in strict accordance with the applicable statutory procedure, after affording her an effective opportunity of hearing;*
>
> *c. grant such other or further relief, including any appropriate direction for lawful demarcation and consideration of the representation dated 16.11.2026, as this Hon'ble Court may deem just and proper in the facts of the case."*

2. Facts of the case, in brief, are that the petitioner, claiming to be the Bhumiswami of land bearing Khasra No. 191/15, admeasuring 0.003 hectares, situated at Village Aamatoli, Tehsil Sitapur, District Surguja (C.G.), has challenged the notice dated 12.11.2026, whereby she has been directed to remove her structure/occupation within 48 hours,

alleging that the land falls within the canal area without any prior demarcation or determination of the disputed boundary. Hence, this petition.

3. Learned counsel for the petitioner submits that the impugned notice has been issued directing the petitioner to remove the alleged encroachment within 48 hours. He further submits that the petitioner has already submitted his reply to the concerned authorities. Accordingly, he prays that the concerned authorities may be directed to consider the reply submitted by the petitioner and pass an appropriate order in accordance with law, after giving due opportunity of hearing to the petitioner.

4. Learned State counsel submits that the petitioner has already moved an application for demarcation of the land and the respondent authorities shall proceed further after completion of the demarcation. He further submits that the petitioner has unnecessarily approached this Court without awaiting the outcome of the proceedings before the concerned authorities.

5. Having considered the submissions made by learned counsel for the parties, this Court is of the view that the concerned revenue authorities are directed to demarcate the petitioner's land in accordance with Section 129 of the Chhattisgarh Land Revenue Code and complete the same within 45 days from the date of receipt of a copy of this order. Thereafter, the concerned authorities shall consider the reply submitted by the petitioner and pass an appropriate order in accordance with law, after giving due opportunity of hearing to the petitioner. The respondent

authorities shall not take any coercive steps against the petitioner for a period of 45 days from the date of receipt of a copy of this order.

6. It is made clear that this Court has not expressed any opinion on the merits of the case.

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

Sd/-
(Amitendra Kishore Prasad)
Judge

Priyanka