



2026:CGHC:19105



2026:CGHC:19105

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 39 of 2026**

1 - Devnarayan Sahu S/o Late Shri Jagat Ram Sahu Aged About 55 Years R/o Village- Akalwara, Ward No. 04, Bhawani Chowk, Post-Akalwara, P.S. And Tahsil- Chhura, District Gariyaband (C.G.)

--- Petitioner(s)

versus

1 - State Of Chhattisgarh Through The Secretary Department Of Land Revenue, Mantralaya, Atal Nagar, Nava Raipur, District Raipur C.G.

2 - The Collector, District Gariyaband (C.G.)

3 - The Sub Divisional Officer (Revenue) Block Chhura, District Gariyaband C.G.

4 - The Tahsildar, Chhura, Tahsil Chhura, District Gariyaband C.G.

5 - Shri Gowardhan Diwan Aged About 40 Years Sarpanch Gram Panchayat Akalwara Tahsil Chhura, District Gariyaband (C.G.)

6 - The Secretary, Gram Panchayat Akalwara, Tahsil Chhura, District Gariyaband C.G.

... Respondents

**(Cause-title taken from the Case Information System)**

For Petitioner :- Mr. J.N. Nande, Advocate
For State :- Mr. Anadi Sharma, P.L.

SB- Hon'ble Shri Justice Amitendra Kishore Prasad**Order On Board****25.04.2026**

1. By way of this petition, the petitioner has called in question the action of the respondent authorities, particularly respondent Nos. 4 to 6, whereby proceedings for demolition of the petitioner's residential house (pucca house) have been initiated and carried out on the allegation of encroachment over Government land, without following due process of law and without affording adequate opportunity of hearing.
2. The case of the petitioner, in brief, is that he is a permanent resident of Village Akalwara, Tahsil Chhura, District Gariyaband, and has been residing on the land in question along with his family members for more than 23 years. It is submitted that initially, in the year 2002, the petitioner along with his brothers was allotted Abadi land bearing Khasra No. part of 214 admeasuring 750 sq. meters for residential purposes. Thereafter, necessary permission for construction was granted and the petitioner constructed his residential house over the said land. It is further submitted that subsequently, in the year 2018, additional land bearing Khasra Nos. 214/181 and 214/182 (new Khasra



Nos. 565 and 566) was also allotted to the petitioner and his brothers under the Mukhyamantri Aabadi Patta Scheme. According to the petitioner, despite his lawful possession, the respondent authorities issued eviction notices alleging encroachment over Government land (Khasra No. 567), and in a hurried manner, without proper demarcation and without granting sufficient opportunity, proceeded to demolish the petitioner's house on 10.12.2025.

3. Following reliefs have been prayed by way of this petition:-

"10.1 The Hon'ble Court may kindly be pleased to call for the entire records concerning the petitioner's case from the possession of the respondent authorities for its kind perusal.

10.2 The Hon'ble Court may kindly be pleased to issue a writ in the nature of mandamus directing the respondent authorities to not interfere in the lawful possession of the Petitioner over the land where the Pucca House is built on bearing Khasra No. 565 & 566 at Village- Akalwara, P.H.N.- 1, R.N.M.- Khadma, Tahsil- Chhura, District- Gariyaband, in the interest of justice.

10.3 The Hon'ble Court may kindly be pleased to direct the Respondent Authority to provide appropriate compensation to the Petitioner for demolishing his Pucca House construction



and for the mental distress caused by the same, in furtherance of justice.

10.4 Any other relief/relief's which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, in the interest of justice..."

4. Learned counsel for the petitioner submits that the entire action of the respondent authorities is arbitrary, illegal and violative of the principles of natural justice. It is contended that no proper demarcation was carried out prior to initiating demolition proceedings and the petitioner was not afforded a reasonable opportunity of hearing. It is further submitted that the petitioner is in settled possession on the basis of valid pattas granted by the competent authority, and therefore, the action of demolition without following due procedure is unsustainable in law. It is also submitted that the petitioner as well as his brothers have been granted pattas in respect of the land in question; however, certain encroachment proceedings have been initiated on the allegation that they have occupied excess land. At this stage, learned counsel submits that the petitioner would be satisfied if the concerned authorities are directed to consider and decide their grievance in accordance with law.
5. Per contra, learned State counsel opposes the petition and submits that the action has been taken on the basis of encroachment over Government land and in accordance with the



provisions of the Chhattisgarh Land Revenue Code, 1959. It is, however, fairly submitted that proper demarcation of the land can be undertaken and the petitioner's claim can be examined by the competent revenue authority in accordance with law.

6. I have heard learned counsel for the parties.
7. On perusal of the record, this Court finds that the controversy involved in the present case essentially relates to identification and demarcation of the land held by the petitioner vis-a-vis the alleged encroached Government land. It appears that though proceedings have been initiated by the respondent authorities, the dispute regarding exact measurement and demarcation of the land has not been conclusively determined in the presence of all concerned parties. In such circumstances, this Court is of the considered opinion that the ends of justice would be met if the matter is relegated to the competent revenue authority for proper adjudication after due demarcation.
8. Accordingly, the writ petition is **disposed of** with a direction that the petitioner shall submit a fresh detailed application along with all relevant documents before the concerned Tahsildar, Chhura, District Gariyaband within a period of two weeks from today. Upon receipt of such representation, the Tahsildar shall conduct proper demarcation/measurement of the land in question in the presence of the petitioner and other concerned parties, strictly in accordance with law, and thereafter consider and decide



the case of the petitioner, including the claim relating to allotment of land in favour of the petitioner and his brothers, by passing a reasoned and speaking order.

9. It is made clear that in respect of the land for which valid patta has already been granted in favour of the petitioner, the same shall not be disturbed except in accordance with law. However, if upon such demarcation it is found that the petitioner is in occupation of any excess land beyond the allotted area, the petitioner shall vacate such excess land, and the authorities shall be at liberty to proceed in accordance with law. The entire exercise shall be completed within a period of three months from the date of receipt of such representation.
10. It is further observed that the petitioner shall cooperate in the proceedings before the Tahsildar.
11. With the aforesaid direction/observation, the writ petition stands **disposed of**.
12. No order as to costs.

sd/-

(Amitendra Kishore Prasad)
Judge

Vishakha