



2026:CGHC:13290



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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 208 of 2020

- Jagdish Kumar Pandey, S/o Shri Nath Pandey, Aged About 59 Years, Ex-Soldier, R/o Village Sambhalpur, Post Office Mainpur 2, Tahsil Gariyaband, District Gariyaband, Chhattisgarh.

... **Petitioner****versus**

- State Of Chhattisgarh, Through The Principal Secretary, Department Of Revenue And Disaster Management, Government Of Chhattisgarh, Mahanadi Bhawan, Mantralaya, Naya Raipur, Civil And Revenue District Raipur, Chhattisgarh 492002.
- Collector, District Gariyaband Chhattisgarh.
- Tahsildar, Tahsil Gariyaband, District Gariyaband, Chhattisgarh.

... **Respondents**

(Cause title taken from Case Information System)

For Petitioner	:	Mr. Anupam Upadhyay, counsel appears on behalf of Mr. Barun Kumar Chakrabarty Advocate.
For State/Respondents	:	Mr. Sangarsh Pandey, G.A.

Hon'ble Shri Justice Amitendra Kishore Prasad

Order on Board

19/03/2026

- Heard.
- This writ petition has been preferred by the petitioner under Article 226 of the Constitution of India, seeking following reliefs:-

“10.1 The Hon'ble Court may kindly be pleased to quash the impugned order (Annexure-P/1) and pleased to direct to respondent No.2 to allot another land as per the provisions of the Clause-3Kh of Revenue Book Circular Part-4 No.3.

10.2 Any other relief, which this Hon'ble Court deems fit



be granted and the cost of the petition may also be kindly awarded.”

3. Learned counsel for the petitioner submits that petitioner is in possession of land bearing Khasra No.98, P.H. No.19/42 situated at Village Sambalpur. The petitioner is a retired Ex-Army officer is required to be allotted the said land, as he started cultivating the said land after making huge investment on it. Petitioner has changed the nature of the said land from barren to cultivated land, as such he is required to be allotted the said land, however, the Tehsildar has dismissed the application stating that the land in question is recorded as '*Bade Jhaad Ka Jungle*' in the revenue records, therefore, it cannot be given to the petitioner.
4. At this stage, learned counsel for the State/respondents submits that against the said order, the Collector, Gariyaband has passed an order dated 27.04.2020, however, the said order has not been challenged by the petitioner, as such this petition itself is not maintainable. It is further submitted that the petitioner is required to challenge the said order before the appropriate authority for redressal of his grievances.
5. I have heard learned counsel for the parties and perused the material available on record.
6. From bare perusal of the record, it appears that the petitioner is an Ex-Army Officer, who after his retirement possesses the said land. It also appears that the petitioner has made huge investment while converting the said barren land into the cultivated land, however, the orders of allotment are required to be passed by the competent authority and not by this Court. As such the orders, which were passed by the Collector and Tehsildar are required to be challenged before the appropriate authority having jurisdiction to decide the same.



7. Disputed question of facts cannot be decided under Article 226 of the Constitution of India, as such the petition as framed in the manner is not required to be decided by this Court. Accordingly, the instant writ petition being devoid of merits is liable to be and is hereby dismissed.
8. However, petitioner is at liberty to approach before the competent authority by filing an appropriate application by raising all his grievances including challenging the order passed by the Collector in accordance with law. It has been stated that the petitioner is an Ex-Army personal and is in possession of the said land till date, while improving the said land, he made huge investment. As such, the concerned authorities are required to consider this aspect of the matter and to pass an appropriate orders in accordance with law. The petitioner may approach before the authorities within a month and the State/respondents authorities are directed to consider and decide the same expeditiously, in accordance with law.
9. Interlocutory application(s), pending if any, also stands disposed of.

Sd/-
(Amitendra Kishore Prasad)
Judge