



HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 309 of 2026

1 - Rajesh Jaiswal S/o Late Shri Kamla Kant Jaiswal Aged About 66 Years R/o Pratap Talkiz Chowk, District- Bilaspur, Chhattisgarh

2 - Sadhna Jaiswal D/o Late Shri Kamla Kant Jaiswal Aged About 58 Years R/o Pratap Talkiz Chowk, District- Bilaspur, Chhattisgarh

... Petitioners

versus

1 - State Of Chhattisgarh Through Secretary, Department Of Urban Administration And Development, 4th Floor, Block-D, Indrawati Bhawan, Atal Nagar, Nawa Raipur, District Raipur (C.G.)

2 - Collector District- Bilaspur (C.G.)

3 - Sub Divisional Officer District- Bilaspur (C.G.)

4 - Tehsildar District- Bilaspur (C.G.)

5 - Sharda Mandir Sewa Samiti Through Secretary, Sarkanda, District- Bilaspur (C.G.)

Respondents

Order on Board

23/01/2026	Mr. R.K. Kesharwani and Mr. Prakash Tiwari, counsel for the petitioners. Mr. Sabyasachi Choubey, Govt. Adv. for the State / respondents No. 1 to 4. Issue notice to respondents No. 1 to 4. Mr. Sabyasachi Choubey, Govt. Advocate accepts notice on behalf of respondents No. 1 to 4, therefore, issuance of notice to them is dispensed with. Issue to respondent No. 5 on payment of process fee within a week. Also heard on I.A. No. 01/2026, which is an application for grant of stay. Learned counsel appearing for the petitioner would submit that earlier on being encroached subject land bearing Khasra No. 1102/12, admeasuring 0.09 acres by respondent No. 5, the petitioners had filed application under Section 250 of the Chhattisgarh Land Revenue Code, 1959 (for brevity, "Code"), in which, vide order dated 18.03.2024 passed by Tahsildar, Bilaspur (respondent No. 4), respondent No. 5 was directed to remove his encroachment over aforesaid order. That order was complied with after indulgence of this Court vide order dated 22.11.2024 passed in WPC No. 5783 of 2024 and symbolic possession of the aforesaid land was granted to the petitioner. While passing aforesaid order, due enquiry was got conducted by respondent No. 4, thereafter, said order was passed. Aforesaid order dated 18.03.2024 was not challenged by respondent No. 5 at that time, rather a complaint was made before District Magistrate by a political person, thereafter, a five-members committee comprising Revenue Inspectors and Patwari was constituted, who re-demarcated the land in question
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	and reported that subject land is not government land but was owned by the petitioners. He further submits that subsequent to the delivery of possession to the petitioner, the respondent No. 5 filed an appeal against the order dated 18.03.2024 (Annexure P-5) before Sub Divisional Officer (Revenue), Bilaspur, to which impugned notice dated 05.02.2025 (Annexure P-2) has been issued and respondent No. 5 also preferred revision under Section 50 of the Code before Collector, Bilaspur (respondent No. 2) challenging demarcation report prepared by five-members committee of the Revenue officials, to which impugned notice (Annexure P-1) dated 13.10.2025 has been issued. He next submits that once the issue has been settled and order dated 18.03.2024 has attained finality, therefore, issuance of impugned notices by respondents No. 2 & 3 is nothing, but to harass the petitioner, hence, he prays that effect & operation of impugned notices dated 13.10.2025 (Annexure P-1) and 05.02.2025 (Annexure P-2) may be stayed. Per contra, learned counsel for the State / respondents No. 1 to 4 would submit that both the notices i.e. Annexure P-1 dated 13.10.2025 and Annexure P-2 dated 05.02.2025 issued by respondents No. 2 & 3, respectively under revenue proceedings, hence, stay may not be granted. However, he seeks time to file reply to I.A. No. 1/2026, application for grant of stay as well as writ petition. Having considered the facts, as projected by the petitioners, and documents annexed with the record and further considering the fact that in compliance of order dated 18.03.2024 passed by respondent No. 4, possession of disputed portion of subject land was given to the petitioner and even Committee comprising of five revenue officials also given report in favour of the petitioners, as contended by learned counsel for the petitioners and further respondent No. 5 has already
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preferred appeal before respondent No. 3 challenging the order dated 18.03.2024 passed by Tahsildar, Bilaspur (respondent No. 4), to which notice (Annexure P-2) dated 05.02.2025 has also been issued, therefore, since the issue is already under consideration before Sub Divisional Officer (Revenue), hence, issuance of notice (Annexure P-1) by respondent No. 2 may create complications, therefore, effect & operation of impugned notice (Annexure P-1) dated 13.10.2025 is stayed, however, this Court is not inclined to stay the effect & operation of notice (Annexure P-2) dated 05.02.2025 issued by respondent No. 3, rather he may raise his grievance before respondent No. 3 against that notice.

Thus, the stay in above manner is granted only pertaining to notice (Annexure P-1) dated 13.10.2025, till the next date of hearing.

List this case after **two weeks** enabling counsel for the respondents to file reply.

Sd/-
(Naresh Kumar Chandravanshi)
Judge