



2026:CGHC:10117



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HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 710 of 2026**

Shri Govind Nav Yuvak Samiti Through President Thakesh Kumar Sahu, S/o Kamta Prasad Sahu, Aged About 43 Years Office At Ward No. 54, Potiyakala, Durg, District- Durg Chhattisgarh

... Petitioner.**Versus**

1. State Of Chhattisgarh Through Secretary, Revenue And Disaster Management Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District- Raipur Chhattisgarh
2. State Of Chhattisgarh Through Secretary, Urban Administration And Development Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District- Raipur Chhattisgarh
3. State Of Chhattisgarh Through Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District- Raipur Chhattisgarh
4. State Of Chhattisgarh Through Secretary, Higher Education Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District- Raipur Chhattisgarh
5. Collector, Durg, District- Durg Chhattisgarh
6. Commissioner, Municipal Corporation Durg, District- Durg Chhattisgarh
7. Sub Divisional Officer, (Revenue) Durg, District- Durg Chhattisgarh
8. Tahsildar Durg, District- Durg Chhattisgarh
9. District Education Officer, Durg, District- Durg Chhattisgarh
10. Principal Government Primary Middle School Potiyakala Durg, District- Durg Chhattisgarh



11. Hemchand Yadav, University Durg, Through Registrar Office At Hemchand Yadav University Raipur Naka Durg, District- Durg Chhattisgarh

... Respondents.

(cause title downloaded from CIS Periphery)

For Petitioner	:	Mr. Praveen Dhurandhar, Advocate
For Res No.1 to 5 & 7 to 10/State	:	Dr. Arham Siddiqui, PL.
For Res No.6	:	Mr. Samyak Singhai, Adv on behalf of Mr. Dhiraj Kumar Wankhede, Advocate.
For Res No.11	:	Mr. Neeraj Choubey, Advocate.

(Hon'ble Shri Justice Naresh Kumar Chandravanshi)

Order on Board

26/02/2026

1. This Writ Petition under Article 226 of the Constitution of India has been filed for the following reliefs:-

"10.1 That this Hon'ble court kindly be pleased to quash the entire proceedings of allotment of land bearing Khasra no. 227/1 admeasuring 1.4890 hectare situated at Village Potiyakala, Tehsil and District Durg (C.G.) pending before Tahsildar Durg, District Durg respondent No. 8 as Revenue Case No. 202410100700129/A-20(1)/2023-24.

10.2 That this Honble court kindly be pleased to quash the proceedings of allotment of land bearing khasra No. 227/1 admeasuring 1.4890 hectare situated at Village Potiyakala, Tehsil and District Durg (C.G.) which is used by the school initiated on the application of respondent No. 11.

10.3 That this Hon'ble court kindly be pleased to direct the respondent authority to conduct inspection over the subject land and submit report to verify the requirement of respondent No. 11.

10.4 That this Hon'ble court kindly be pleased to direct the respondent No. 8 to take decision over the objection of the petitioner dated 25.10.2024 (Annexure P-7).



10.5 Any other relief, which this Hon ble Court may deem fit and proper, may also be passed in favour of the petitioner."

2. Learned counsel for the petitioner submits that respondent No.11 (University) was previously in the year 2016 allotted 16.542 hectares of land in Village Potiyakala, Tahsil and District Durg, by the Government for the construction of building. Now, approximately eight years later, respondent No.11 has filed an application (dated 17.09.2024) seeking the allotment of land bearing Khasra No. 227/1, admeasuring area 1.4890 hectares, situated in Village Potiyakala, Patwari Halka No.38, Tahsil and District Durg. This land is adjacent to the University and is intended for the construction of a grand entry gate and an approach road. However, the University already possesses entry gate with very wide road. The application moved by respondent No.11 is currently pending before the Tahsildar, Durg, in Revenue Case No. 202410100700129/A-20(1)/2023-24. When objections were called for, the petitioner and other objectors have filed an objection which are pending consideration.
3. He further submits that during the proceeding learned Tahsildar has sought a spot inspection report of the subject land which was conducted by the Patwari. According to the report of Patwari (Annexure-P/6), the subject land (Khasra No. 227/1) already contains a Government school building, a Dussehra ground, a community hall, a Anganwadi building, a Sulabh Sauchalaya, a fair-price shop, and a Shiv temple. Hence, if possession of this land is granted to respondent No.11 for a gate and road, the public at large including children may be deprived of the use of these buildings and the playground as such construction will reduce and interrupt the area of ground.



4. He further submits that the Patwari has proposed allotment of 40x100=4,000 sq. ft. (0.037 hectares) land to respondent No. 11 between the center of Dussehara ground and Govt. Middle School. If this proposal is accepted, the playground/Dussehara ground area will be significantly reduced. This is contrary to law and directly violates the judgment of the Hon'ble Supreme Court in State of Haryana and Ors. Vs. Satpal and Ors. {(2023) 6 SCC 643}.
5. In view of above submissions, counsel for the petitioner prays that this petition may be disposed of, at this stage, with a direction to the learned Tahsildar, Durg (respondent No. 8), to decide upon the objections raised by the petitioner and other objectors looking to the public use of such land as per Patwari report (Annexure-P/6) as well as principles laid down in the case of Satpal (Supra), in which it is observed that land reserved for schools and playgrounds cannot be legalised for other uses.
6. On the other hand, learned counsel for respondent No. 11 (University) submits that the land sought by the University is Government land intended for providing facilities and amenities to students and faculty. He further contends that the previously allotted 16.542 hectares is insufficient and that the subject land is necessary for the connectivity and convenience of the students.
7. Learned counsel appearing for the State submits that after considering the objections raised by the petitioner and other objectors, a speaking order will be passed by the Tahsildar in the said revenue case in accordance with law.



8. Learned counsel for respondent No. 6 submits that information regarding the subject land was sought from the Municipal Corporation, which is yet to be provided.
9. Heard learned counsel for the parties and perused the documents placed with the petition.
10. From a perusal of the pleadings and documents, it appears that 16.542 hectares of land was previously allotted to respondent No. 11 (University) by the Government. According to the petitioner's submission, there are already two gates at the University. The petitioner has filed photographs (Annexure-P/10) of the University exterior and other photographs of the subject land to demonstrate that the road leading to the University gate is very wide. Furthermore, the report (Annexure-P/6) submitted by the Patwari to the Tahsildar reveals that the subject land, bearing Khasra No.227/1 situated at Village Potiyakala, contains a Government school building, a community hall, a Dussehra/play ground, a Anganwadi building, a Sulabh Sauchalaya (toilet), a fair-price shop, and a Shiv temple. It is apparent that these halls, buildings, the ground etc. are intended for use of children and public at large.
11. Furthermore, in the Patwari's report (Annexure-P/6), a proposal has been made to allot $40 \times 100 = 4,000$ sq. ft. (0.037 hectares) of land to the University for the construction of a road, gate, etc. This proposed land goes through the center of the school and Dussehra ground. It appears that if this proposal is accepted and construction proceeds, the space on the subject land where the Dussehra ground and buildings for public use are located, will be significantly reduced.



12. Having regard to the aforesaid facts and the limited prayer made by the petitioner, this petition is disposed of at this stage with a direction to the Tahsildar, Durg, to decide upon the objections raised by the petitioner/objectors and to pass a reasoned order in Revenue Case No. 202410100700129/A-20(1)/2023-24.
13. However, while passing the order, the Tahsildar shall take into account, the Patwari's report (Annexure-P/6), which indicates that several buildings, a school hall, and a playground already exist on the site; that the said space of subject land (Dussehara ground) may be reduced after the allotment, as the proposed path appears to go through the center of the playground and Dussehara ground; and that the University already has two gates and an approach road for its entrance (as per the petitioner's submission). Thereafter, the Tahsildar shall pass a speaking order in accordance with law.
14. With the aforesaid observations and directions, this writ petition stands disposed of.

Sd/-
(Naresh Kumar Chandravanshi)
Judge

Ajay