



2026:CGHC:33334



CGHC010096692026



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 1079 of 2026

1 - Bhagvan Dewangan S/o Kanhai Dewangan Aged About 49 Years R/o Mavliguda Para, Village Manganar, Janpad Panchayat Bakavand, District Bastar (C.G.)

--- **Petitioner(s)**

versus

1 - Chief Executive Officer Janpad Panchayat Bakavand, District- Bastar (C.G.)

2 - Sub-Divisional Officer Janpad Panchayat Bakavand, Distt.- Bastar (C.G.)

3 - Sarpanch Gram Panchayat Karpawand Janpad Panchayat Bakavand District Bastar (C.G.)

--- **Respondent(s)**

WPC No. 1130 of 2026

1 - Anup Kumar Gupta S/o Radheshyam Gupta Aged About 49 Years R/o Village Karpawand, Janpad Panchayat Bakavand, District Baster (C.G.)

---**Petitioner(s)**

Versus

1 - Chief Executive Officer Janpad Panchayat Bakavand, District- Baster (C.G.)

2 - Sub-Divisional Officer Janpad Panchayat Bakavand, District- Baster (C.G.)



3 - Sarpanch Gram Panchayat Karpawand Janpad Panchayat Bakavand, District- Baster (C.G.) **2026:CGHC:33334**

--- Respondent(s)

WPC No. 1140 of 2026

1 - Debopriyo Haldar S/o Dular Haldar, Aged About 29 Years R/o House No. 143, Main Road Bazar Para Village Karpawand, Janpad Panchayat Bakavand, District- Baster (C.G.)

---Petitioner(s)

Versus

1 - Chief Executive Officer Janpad Panchayat Bakavand, District- Baster (C.G.)

2 - Sub Divisional Officer, Janpad Panchayat Bakavand, District- Baster (C.G.)

3 - Sarpanch Gram Panchayat Karpawand Janpad Panchayat Bakavand, District- Baster (C.G.)

--- Respondent(s)

WPC No. 1133 of 2026

1 - Ram Kumar Gupta S/o Jagdish Prasad Gupta Aged About 49 Years R/o Main Road Bazar Para, Village Karpawand, Janpad Panchayat Bakavand, District Baster (C.G.)

---Petitioner(s)

Versus

1 - Chief Executive Officer, Janpad Panchayat Bakavand, District- Baster (C.G.)

2 - Sub-Divisional Officer Janpad Panchayat Bakavand, Distt.- Baster (C.G.)

3 - Sarpanch Gram Panchayat Karpawand Janpad Panchayat Bakavand District Baster (C.G.)

--- Respondent(s)



1 - Anoj Kumar Gupta S/o Radheshyam Prasad Gupta Aged About 48 Years R/o House No. 130 Bihari Para, Village Karpawand, Janpad Panchayat Bakavand, Distt. Baster, Chhattisgarh.

---Petitioner(s)

Versus

1 - Chief Executive Officer, Janpad Panchayat Bakavand, Distt. Baster, Chhattisgarh.

2 - Sub Divisional Officer Janpad Panchayat Bakavand, Distt. Baster, Chhattisgarh.

3 - Sarpanch Gram Panchayat Karpawand Janpad Panchayat Bakavand, Distt. Baster, Chhattisgarh.

--- Respondent(s)

WPC No. 1154 of 2026

1 - Bhagwat Yadav S/o Ghina Ram Yadav Aged About 53 Years R/o House No. 170 Raut Para Chhindgaon P.O. Jaibel, District Baster (C.G.)

---Petitioner(s)

Versus

1 - Chief Executive Officer Japad Panchayat Bakavand, District- Baster (C.G.)

2 - Sub-Divisional Officer Janpad Panchayat Bakavand, Distt.- Baster (C.G.)

3 - Sarpanch Gram Panchayat Karpawand Janpad Panchayat Bakavand District Baster (C.G.)

--- Respondent(s)

WPC No. 1132 of 2026

1 - Tulchha Ram Chaudhari S/o Udaram Chaudhari Aged About 49 Years R/o Bazar Para Karpawand, Block Bakavand, District Bastar (C.G.)

---Petitioner(s)



Versus

1 - Chief Executive Officer Janpad Panchayat Bakavand, District- Baster (C.G.)

2 - Sub-Divisional Officer Janpad Panchayat Bakavand, Distt.- Baster (C.G.)

3 - Sarpanch Gram Panchayat Karpawand Janpad Panchayat Bakavand District Baster (C.G.)

--- **Respondent(s)**

WPC No. 1135 of 2026

1 - Rakesh Gupta S/o Vinod Prasad Gupta Aged About 47 Years R/o House No. 137 Khaspara, P.O. And Village Karpawand, Janpad Panchayat Bakavand, District- Baster (C.G.)

---**Petitioner(s)**

Versus

1 - Chief Executive Officer Janpad Panchayat Bakavand, District- Baster (C.G.)

2 - Sub Divisional Officer, Janpad Panchayat Bakavand, District- Baster (C.G.)

3 - Sarpanch . Gram Panchayat Karpawand Janpad Panchayat Bakavand, District- Baster (C.G.)

--- **Respondent(s)**

WPC No. 1138 of 2026

1 - Nagendr Prasad Gupta S/o Radheshyam Gupta Aged About 58 Years R/o Village Karpawand, Janpad Panchayat Bakavand, District Baster Chhattisgarh

---**Petitioner(s)**

Versus

1 - Chief Executive Officer Janpad Panchayat Bakavand, District Baster Chhattisgarh



2 - Sub-Divisional Officer Janpad Panchayat Bakavand, Distt - Baster Chhatti

3 - Sarpanch Gram Panchayat Karpawand Janpad Panchayat Bakavand District
Baster Chhattisgarh

--- Respondent(s)

(Cause Title downloaded from the CIS Periphery)

For Petitioner(s)	: Mr. Satish Gupta, Advocate
For Respondent No.1	: Ms. Akansha Verma, Advocate
For Respondent No.3	: Mr. Kishore Narayan, Advocate

SB: Hon'ble Mr. Justice Amitendra Kishore Prasad
Order on Board

31/07/2026

1. The factual matrix in all the above captioned writ petitions being the same, they were heard analogously and are being disposed of by this common order. In sum and substance, the reliefs claimed in all the writ petitions are identical. For the sake of convenience, WPC No.1079/2026 is taken as the lead case for disposal of all the writ petitions and the reliefs claimed therein read as under :

1. Hon'ble Court may be kind and gracious enough to call for the records of the case from the respondents.

2. Hon'ble Court may be kind be pleased to quash/set aside the impugned notice dated 19/02/2026 (Annexure P/1) and 06/03/2026 (Annexure P/2) issued to the petitioner by issuance of appropriate writ/writs, order/orders.



3. *Hon'ble Court may be kind be pleased to direct the respondent no.1 and 3 shall not disturb the petitioner possessions over the shop.*
4. *Any other relief/relief's which Hon'ble court may deem fit in the facts and circumstances of the instant case.*

2. Mr. Satish Gupta, learned counsel for the petitioner submits that the petitioner is aggrieved by the order dated 19.2.2026 (Annexure P/1) issued by the Chief Executive Officer, Janpad Panchayat, Bakavand, District Bastar (CG), whereby, the petitioner has been directed to remove the alleged encroachment made in the shop allotted to him, within three days, failing which the same shall be removed by the authorities. The petitioner is further aggrieved by impugned notice dated 6.3.2026 (Annexure P/2) issued by the Sarpanch, Gram Panchayat, Karpawand, Janpad Panchayat, Bakavand, District Bastar (CG), wherein the petitioner was directed to remove the alleged illegal construction raised in the shop allotted to him, failing which, the extra construction would be demolished by using heavy machinery (JCB). He also submits that the shop in question, admeasuring 3.75 x 4.25 meter, was constructed and allotted to the petitioner by the concerned Janpad Panchayat, Bakavand,. However, as the space was insufficient to carry on his business, an additional construction of about 3 meters was raised out of necessity. Therefore, the impugned notices have been issued to the petitioner directing the removal of the said extension. He further submits that the petitioner has only erected a temporary



shed out of genuine necessity to protect and run his shop, without committing any illegality or causing any obstruction to the public road. He submits that the shop itself is very small and the concerned Janpad Panchayat has already realized the requisite fees/rent as agreed between the parties. Therefore, the impugned notices are not in accordance with law.

3. Ms. Akansha Verma, learned counsel for the respondent-Chief Executive Officer, Janpad Panchayat, Bakavand, submits that the petitioner(s) has raised illegal construction without prior permission from the Janpad Panchayat. As such, the petitioner was directed to remove the extra construction illegally raised by him, for which the impugned notice (Annexure P/1) has been issued by Respondent No.1-Janpad Panchayat. She submits that no notice for eviction from the allotted shop has been issued to the petitioner. She further submits that most of the shopkeepers, including the petitioner, did not pay their regular rent, as a result of which a substantial amount is outstanding against them. She submits that on the one hand, the petitioner(s) -(shopkeeper{s}) are defaulting on regular rent and on the other hand, they are raising unauthorized construction. She submits that the petitioner has prematurely rushed to this Court on the basis of the said notice, instead of approaching the concerned authorities. She submits that the return has already been filed on behalf of the concerned Janpad Panchayat, which clearly shows that unauthorized construction has been illegally raised by the petitioner.



4. Mr. Kishore Narayan, learned counsel for respondent Sarpanch, Gram Panchayat, Karpawand, submits that the shop in question has been re-allotted as per the Regulation dated 6.6.2025 in pursuance of Rule 47 of the Chhattisgarh Panchayat Provisions (Extension to Scheduled Areas) Rules {PESA}, 2022. Under the said provisions, the concerned Gram Panchayat holds the authority to allot shops and realize rent within the panchayat area. He submits that since the petitioner has encroached upon the subject property and raised illegal construction, the impugned notice (Annexure P/2) has rightly been issued by Respondent No.3-Gram Panchayat to the petitioner.
5. Heard learned counsel for the parties and also perused the documents annexed with the petitions with utmost circumspection.
6. Evidently, before coming into force of the PESA Act, Janpad Panchayat, Bakavand allotted the shop to the petitioner(s) way back in the year 2004-2005. The petitioner has consistently paid the requisite rent to the Janpad Panchayat. Hence, the concerned Gram Panchayat does not have jurisdiction and authority to issue the impugned notice (Annexure P/2). After coming into force of the PESA Act, 2022, no fresh agreement or lease deed has been executed between the petitioner and the concerned Gram Panchayat. Further, regarding the rental dues, whatever amount has been paid by the petitioner was duly deposited with the concerned Janpad Panchayat and not with Gram Panchayat. Even a resolution passed by the Gram



Panchayat does not entitle it to collect rent or issue the impugned notice to the petitioner-shopkeeper. Unless and until administrative control of the shop is transferred from the Janpad Panchayat to Gram Panchayat by a specific order passed by the competent authorities and a fresh lease deed is executed, any notice issued by respondent No.3 (Gram Panchayat) is illegal and not in accordance with law.

7. In light of the foregoing, the impugned notices issued by the concerned Respondent-Gram Panchayat, challenged in all the writ petitions are hereby quashed.
8. So far as the impugned notices in all the writ petitions issued by the Respondent - Janpad Panchayat are concerned, this Court is of the view that the said authority acted within its jurisdiction as extra construction was raised by the petitioners. However, keeping in mind the petitioners' replies stating that due to space constraints and small shop dimensions, minor additional structures were erected, the concerned authority i.e. the Chief Executive Officer, Janpad Panchayat, Bakavand is directed to duly consider the practical difficulties faced by the petitioners/shopkeepers, provided such constructions do not create any public hurdle or obstruction. The said authority shall further examine the replies and representations/applications filed by the petitioners, taking into account their continuous possession for the past 20 years, arrive at an amicable solution fair to both the petitioners and the concerned Janpad Panchayat and thereafter pass appropriate orders in accordance with law.



9. Furthermore, so far as the amount of rent is concerned, petitioners are directed to deposit the rent within 90 days from the date of receipt of a copy of this order. The concerned respondent authorities are also directed to consider and decide the reply filed by each of the petitioners and pass appropriate orders, after affording them due opportunity of hearing, within 3 months from the date of receipt of a copy of this order.

10. Till then, it is directed that no coercive steps/action shall be taken against the petitioners.

11. With the aforesaid observations/directions, all the Writ Petitions are finally disposed of.

Sd/-

(Amitendra Kishore Prasad)
Judge