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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 1503 of 2025

Samrath Yadav S/o Charkoo Aged About 58 Years By Caste Bargah, R/o Village Umapur, Tahsil Ramanujnagar, Distt. Surajpur Chhattisgarh

--- **Petitioner**

versus

1 - State Of Chhattisgarh Through Secretary, Department Of Revenue And Disaster Management, Mahanadi Bhavan, Naya Raipur, Distt Raipur Chhattisgarh

2 - Collector Distt. Surajpur Chhattisgarh

3 - Tahsildar Ramanujnagar Distt. Surajpur Chhattisgarh

4 - Sonkunwar W/o Late Batan @ Baran Aged About 65 Years Caste Bargah, R/o Village Sarbhoka, Tahsil Patna, Distt. Koriya Chhattisgarh

5 - Vimla W/o Ganpat Aged About 35 Years Caste Bargah, R/o Village Sarbhoka, Tahsil Patna, Distt. Koriya Chhattisgarh

6 - Pradeep Kumar S/o Shri Ganpat Aged About 25 Years Caste Bargah, R/o Village Sarbhoka, Tahsil Patna, Distt. Koriya Chhattisgarh

7 - Mansi D/o Shri Ganpat Aged About 27 Years Caste Bargah, R/o Village Sarbhoka, Tahsil Patna, Distt. Koriya Chhattisgarh

--- **Respondents**

For Petitioner	:	Mr. Parag Kotecha, Adv.
For Respondents No. 1 to 3	:	Dr. Arham Siddiqui, PL
For respondents No. 4 to 7	:	Mr. Vikram Singh Vishwakarma, Adv.

**Hon'ble Shri Justice Naresh Kumar Chandravanshi****Order On Board****17-3-2026**

1. The petitioner has preferred this writ petition under Article 226 of the Constitution of India seeking following reliefs :-

"I. Quash/set aside an order dated 6/3/2025 passed by Respondent no. 3 (Annexure P/6) and further please to direct the Respondent no. 3 not to proceed with the application under section 178 CGLRC till the decision of Civil Suit.

II. call the entire record which are related to present case.

III. Any other relief which this Hon'ble Court deems fit be granted and the cost of the petition may also kindly be awarded in favour of the petitioner."

2. Learned counsel for the petitioner would submit that, vide impugned order Annexure P-6 dated 6-3-2025 passed in Revenue Case No. 202402260900027/A-27/2023-24 (Sonkunwar and others Vs. Samrath-Umapur) by the respondent No. 3/Tahsildar, Ramanujnagar, the application filed by the respondents No. 4 to 7 under Section 178 of the CG Land Revenue Code, 1959 for partition of subject land has been allowed and the subject land has been directed to be partitioned between petitioner and respondents No. 4 to 7, whereas the Civil Suit No. 187-A/2024 (Samrath Vs. Sonkunwar and others) is already pending consideration before the Civil Judge Class 2, Surajpur, Distt. Surajpur, which was filed on 3-7-2024 i.e. prior to the order passed by the Tehsildar. He further submits that, Ramtahal was recorded owner of subject land, which he bequeathed vide registered Will deed dated 15-



6-1982, which was also raised by the petitioner before the Tehsildar, but without considering the objection of the petitioner, the impugned order has been passed by the respondent No. 3/Tahsildar. Hence, learned counsel for the petitioner prays that, this writ petition may be disposed of granting liberty to the petitioner to file appropriate application before the Civil Judge Class II, Surajpur in aforesaid civil suit seeking stay of execution of impugned order Annexure P-6, till disposal of aforesaid civil suit.

3. Per contra, learned counsel for the respondent No. 4 to 7 submit that, alleged Will deed was executed by Ramtahal in favour of the petitioner in the year 1982, but after death of Ramtahal, subject land was recorded in the name of petitioner and Batan alias Ahibaran (husband of respondent No. 4). He further submits that, alleged Will was not disclosed by the petitioner in the year 2024, therefore, alleged Will is suspicious. However, he submits that, he has no objection to allow the limited prayer of the petitioner.
4. Having considered the fact that instant writ petition has been filed by the petitioner challenging the order of partition passed by the Tehsildar dated 6-3-2025, and civil suit pertaining to subject land is already pending consideration before the Civil Judge Class II, Surajpur, if the petitioner wants that the impugned order (Annexure P-6) passed by the respondent no. 3/Tahsildar, Ramanujnagar dated 6-3-2025 may not be acted upon, then he may file appropriate application before the concerned Civil Judge, within 30 days from today and if such application is filed, the same shall be decided by the concerned Civil Judge as early as possible preferably within a period of 60 days from



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filing such application. Till then, it is directed that the impugned order Annexure P-6 dated 6-3-2025 passed by the respondent No. 3/Tahsildar, Ramanujnagar in revenue case No. 202402260900027/A-27/2023-24 (Sonkunwar and others Vs. Samrath-Umapur) be kept in abeyance.

5. In view of above observations and directions, this writ petition is disposed of.
6. Pending interlocutory application(s), if any, stands disposed of.

Sd/-

(Naresh Kumar Chandravanshi)
Judge