



2026:CGHC:12787



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 1183 of 2026

Mohd Israil Khan S/o Mohd. Yunus Khan, Aged About 51 Years R/o Ward No. 9, Linepara, Nagri, Tehsil Nagri, District- Dhamtari (C.G.)

... **Petitioner**

versus

1 - State Of Chhattisgarh Through Secretary, Department Of Urban Administration And Development, Mahanadi Bhawan, Nava Raipur, District- Raipur (C.G.)

2 - Collector, District- Dhamtari Dhamtari (C.G.)

3 - Sub Divisional Officer (R), Revenue Sub Division Nagri District- Dhamtari (C.G.)

4 - Tahsildar , Nagri District- Dhamtari (C.G.)

5 - Ngar Panchayat Nagri, Through Its Chief Municipal Officer, Nagri District- Dhamtari (C.G.)

6 - Chief Municipal Officer, Nagar Panchayat Nagri District- Dhamtari (C.G.)

... **Respondents**

{Cause title, as taken from CIS}

For Petitioner	:	Mr. R.S. Baghel, Advocate.
For Respondents/State	:	Mr. Vinay Pandey, Dy. Advocate General.
For Respondent No. 6	:	Mr. Ritesh Sharma, Advocate.

{Hon'ble Mr. Justice Naresh Kumar Chandravanshi}

Order on Board

17/03/2026

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



“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 set aside the impugned notice dated 13.03.2026, 25.02.2026, 18.02.2026 and 09.02.2026 (P/1) by issuance of writ of mandamus or any other writ/writs, order/orders, direction/directions.

3. Any other relief/relief’s which Hon’ble Court may deem fit in the facts and circumstances of the instant case.

2. Learned counsel appearing for the petitioner submits that the petitioner is a poor person, who earned his livelihood by manufacturing, repairing and selling cotton mattresses and pillows in a kiosk (गुमटी) 10 X 15 feet on Sankara Main Road in Nagar Panchayat, Nagri. Said kiosk was situated on the land bearing Khasra No. 1828/1, which belongs to forest department, despite that impugned notice (Annexure P-1) has been issued to the petitioner by respondent No. 6 mentioning therein that petitioner’s kiosk is situated on the land bearing Khasra No. 1828. It is further submitted that respondent No. 6 has neither conducted any enquiry nor has got any demarcation of aforesaid land and vague notice has been issued to the petitioner directing him to remove his kiosk.

3. In reply, learned counsel for respondent No. 6 submits that the land bearing Khasra No. 1828 has been allotted by the Collector, Dhamtari to Nagar Panchayat, Nagri (respondent No. 5 herein), on which, encroachment has been made by the petitioner, but he conceded that fact that that no demarcation has been carried out in respect of aforesaid land.

4. Heard counsel for the parties and perused the material available on record.

5. As per notice (Annexure P-1) dated 13.03.2026, said kiosk of petitioner is situated on the area of land bearing Khasra No. 1828 whereas it is claim of the petitioner that the same is situated on the land bearing khasra No. 1828/1,



which is land of Forest Department, but demarcation has not been carried out to ascertain the fact that whether the said kiosk is situated on the land bearing Khasra No. 1828, despite that impugned notice has been issued, hence, finding notice (Annexure P-1) to be vague, the same is hereby quashed. However, the respondents No. 5 & 6 is at liberty to take appropriate steps after getting demarcation of the land, upon which, the said kiosk of the petitioner is situated. It is further observed that if it is found that the petitioner is long standing on aforesaid land, then respondents No. 5 & 6 are also expected to consider the rehabilitation of the petitioner at appropriate place as per applicable law, Rules & policy. Till then, no coercive steps shall be taken against the petitioner.

6. With the aforesaid observations & directions, the writ petition stands disposed of. No cost (s).

7. Pending interlocutory application (s), if any, stands disposed of.

Sd/-

(Naresh Kumar Chandravanshi)
Judge