



2026:CGHC:16549

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPC No. 1412 of 2026**

1 - Shanti Prakash Tirkey S/o Late Daneel Tirkey Aged About 32 Years
R/o Village- Sawani Dadar Tahsil- Balrampur Distt- Balrampur-
Ramanujganj (C.G.)

... Petitioner(s)**versus**

1 - The State Of Chhattisgarh Through- Secretary Department Of
Revenue And Disaster Management Mahanadi Bhawan Nava Raipur,
Distt- Raipur (C.G.)

2 - The Collector Balrampur Distt- Balrampur- Ramanujganj (C.G.)

3 - The Sub-Divisional Officer (Revenue) Balrampur Distt- Balrampur-
Ramanujganj (C.G.)

4 - The Naib Tahasildar Balrampur Distt- Balrampur- Ramanujganj
(C.G.)

5 - The Divisional Forest Officer Balrampur Distt- Balrampur
Ramanujganj (C.G.)

... Respondent(s)**(Cause Title is taken from CIS System)**

For Petitioner : Mr. Rahul Mishra, Advocate

For State : Mr. Shobhit Mishra, Dy. Govt. Advocate

Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

10/04/2026

1. The petitioner has filed this writ petition seeking following reliefs :

“10.1 This Hon'ble Court may kindly be pleased to call the entire record from the respondents pertaining the case of the petitioner.

10.2 This Hon'ble Court may kindly be pleased to direct the respondent authorities not to destroy and demolish the crops and house of petitioner from the land bearing Khasra No. 659 & 660 situated at Village Savni, Tahasil Balrampur, Distt. - Balrampur-Ramanujganj (C.G.).

10.3 This Hon'ble Court may kindly be pleased to pass order protecting the crops of wheat, mustard, pigeon pea (Gehu, Sarso, rahar) upon the land bearing Khasra No. 659 & 660 situated at Village Savni, Tahasil Balrampur, Distt. - Balrampur-Ramanujganj (C.G.).

10.4 This Hon'ble Court may kindly be pleased to direct the respondent authorities to decide the representation of the petitioner in accordance with law.

10.5 This Hon'ble Court may kindly be pleased to pass such other and further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, in the interest of justice and equity.”

2. The facts of the present case, as borne out from the pleadings and documents on record, are that the petitioner belongs to a

Scheduled Tribe community and is primarily dependent upon agriculture for his livelihood. The petitioner along with his family members has been cultivating land bearing Khasra Nos. 659 and 660 situated at Village Savni Dadar, Tahsil Balrampur, District Balrampur-Ramanujganj (Chhattisgarh). As per the revenue records, the said land is recorded as Government Forest Land. It is further the case of the petitioner that he has been continuously cultivating the aforesaid land and has sown crops such as wheat (gehu), mustard (sarso), and pigeon pea (rahar) over the same. The petitioner asserts that the agricultural activities carried out on the said land constitute the sole source of livelihood for him and his family. The petitioner has further averred that he and his family members have been in possession of the land in question for more than five decades and have been carrying out agricultural operations thereon during this entire period. It is also stated that the petitioner has constructed a residential house on the said land and has been residing there along with his family members. In this regard, the petitioner had submitted a representation before the competent authorities seeking protection of his possession and livelihood. According to the petitioner, despite his long-standing possession and cultivation, the respondent authorities, without issuing any notice or affording an opportunity of hearing, have initiated coercive action by forcefully destroying the crops standing on the land as well as the residential structure of the petitioner. It is contended that such

action of the respondents is arbitrary, illegal, and in violation of the principles of natural justice as well as the due process of law. Aggrieved by the said actions of the respondent authorities, the petitioner has approached this Court by filing the present writ petition.

3. Learned counsel for the petitioner submits that the actions of the respondent authorities are wholly illegal, arbitrary, and actuated by malafide intentions, and therefore, the same are liable to be set aside by this Court. It is contended that the respondents have acted in a high-handed manner without adhering to the settled principles of law, thereby causing grave prejudice to the petitioner and his family members. It is further submitted that the impugned action has been undertaken in complete violation of the principles of natural justice, as no prior notice or opportunity of hearing was ever afforded to the petitioner before initiating such coercive measures. Learned counsel emphasizes that affording an opportunity of hearing is a fundamental requirement before taking any adverse action affecting the rights and livelihood of a citizen, and the failure to do so renders the entire action unsustainable in the eyes of law. Learned counsel also submits that the petitioner and his family members have been in continuous possession and cultivation of the land in question for more than five decades, tracing back to the time of their ancestors. Such long-standing possession, coupled with continuous agricultural activities, establishes the petitioner's deep-rooted connection with the land,

which cannot be abruptly disrupted by the respondent authorities in an arbitrary manner. It is further argued that the petitioner and his family members have presently cultivated crops such as wheat (gehu), mustard (sarso), and pigeon pea (rahar) on the land bearing Khasra Nos. 659 and 660 situated at Village Savni, Tahsil Balrampur, District Balrampur-Ramanujganj (Chhattisgarh). The destruction of these standing crops by the respondents has caused severe hardship and irreparable loss to the petitioner, whose livelihood solely depends upon such agricultural produce. Learned counsel additionally submits that the petitioner and his family members have constructed a residential house on the land in question and have been residing therein for a considerable period. It is contended that the petitioner belongs to a Scheduled Tribe community residing in a notified Scheduled Area of the Sarguja region and has no alternative land or source of livelihood. Therefore, the action of the respondents in demolishing the residential structure is not only arbitrary but also inhumane and violative of the petitioner's fundamental rights. It is further contended that the respondent authorities, without issuing any notice and without following the due process of law, have proceeded to destroy the agricultural crops and demolish the residential house of the petitioner in a forceful manner. Such action, it is argued, is in blatant disregard of legal procedures and established safeguards. Lastly, learned counsel submits that the petitioner and his family members are economically weak and are

facing severe financial hardship. In such circumstances, the arbitrary action of the respondents in demolishing the petitioner's crops and house has further aggravated their plight, pushing them towards destitution. Hence, it is prayed that this Court may be pleased to intervene and grant appropriate relief to the petitioner.

4. Learned State counsel, opposing the submissions advanced on behalf of the petitioner, submits that the land in question is recorded as Government Forest Land in the revenue records and the petitioner has no legal right, title, or authorization to occupy or cultivate the same. It is contended that the petitioner is an encroacher and the respondent authorities are fully empowered to remove such unauthorized occupation in accordance with law. It is further submitted that the action taken by the authorities is in discharge of their statutory duty to protect Government and forest land from illegal encroachment, and the same cannot be termed as arbitrary or malafide. Learned counsel also submits that mere long possession or cultivation does not confer any legal right upon the petitioner over Government land. It is thus prayed that the writ petition, being devoid of merits, is liable to be dismissed.
5. Having heard learned counsel for the parties and upon perusal of the material available on record, this Court finds that it is not in dispute that the land bearing Khasra Nos. 659 and 660 situated at Village Savni Dadar, Tahsil Balrampur, District Balrampur-Ramanujganj (C.G.) is recorded as Government Forest Land in the revenue records. At the same time, the pleadings and

documents brought on record indicate that the petitioner, who belongs to a Scheduled Tribe community, along with his family members, has been in possession of the land in question for a considerable period and is carrying out agricultural activities thereon, which constitutes their primary source of livelihood.

6. This Court also takes note of the grievance raised by the petitioner that the respondent authorities have allegedly taken coercive action by destroying the standing crops and residential structure without issuance of notice or affording an opportunity of hearing. Even if the petitioner is treated as an unauthorized occupant over Government land, it is a settled principle of law that any action for eviction or dispossession must be carried out strictly in accordance with due process of law and after complying with the principles of natural justice.
7. On the other hand, the submission of the learned State counsel that the land in question is Government Forest Land and that the petitioner does not have any legal right, title or interest over the same, cannot be brushed aside. The authorities are well within their rights to take appropriate steps for removal of encroachment from Government land. However, such action must be preceded by adherence to the procedure established by law.
8. In the considered opinion of this Court, a balance is required to be struck between the rights of the State to protect its land and the right of the petitioner to be treated fairly in accordance with law.

Particularly, the destruction of standing crops without following due procedure would result in irreparable loss to the petitioner, who is dependent upon the same for his livelihood.

9. Accordingly, without expressing any opinion on the merits of the claim of the petitioner over the land in question, the present writ petition is disposed of with the direction that the concerned authorities shall not destroy the crops sown by the petitioner over the land in question. However, so far as proceedings for dispossession are concerned, the concerned authorities shall be at liberty to initiate and conclude appropriate proceedings in accordance with law, after affording due opportunity of hearing to the petitioner.
10. It is further expected that if any such proceedings are initiated, the same shall be decided expeditiously in accordance with law.

No order as to costs.

Sd/-

**(Amitendra Kishore Prasad)
Judge**

Shayna