



2026:CGHC:20836-DB



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HIGH COURT OF CHHATTISGARH AT BILASPUR

WA No. 360 of 2026

1 - Harvansh Dubey S/o Late Jagatdhari Dubey Aged About 74 Years By Caste Brahman, R/o Pratappur Naka, Ambikapur, Distt.- Surguja (C.G.)

2 - Bhupnath Dubey S/o Late Jagatdhari Dubey Aged About 67 Years By Caste Brahman, R/o Pratappur Naka, Ambikapur, Distt.- Surguja (C.G.)

3 - Virendranath Dubey S/o Late Chhabinath Dubey Aged About 59 Years By Caste Brahman, R/o Pratappur Naka, Ambikapur, Distt.- Surguja (C.G.)

4 - Devendranath Dubey S/o Late Chhabinath Dubey Aged About 55 Years By Caste Brahman, R/o Pratappur Naka, Ambikapur, Distt.- Surguja (C.G.)

5 - Vinod Dubey S/o Late Chhabinath Dubey Aged About 53 Years By Caste Brahman, R/o Pratappur Naka, Ambikapur, Distt.- Surguja (C.G.)

... Appellant

versus

1 - State Of Chhattisgarh Through Its Principal Secretary, Department Of Revenue, Mahanadi Bhawan, New Raipur, Distt.- Raipur (C.G.)

2 - State Of Chhattisgarh Through Its Principal Secretary, Department Of Urban Administration, Mahanadi Bhawan, New Raipur, Distt.- Raipur (C.G.)

3 - The Collector Ambikapur, Distt.- Surguja (C.G.)

4 - The Commissioner Municipal Corporation, Ambikapur, Distt.- Surguja (C.G.)

**5 - The Tahasildar Ambikapur, Distt.- Surguja (C.G.)****---- Respondents**

(Cause title taken from Case Information System)

For Appellants	:	Mr. Rajeev Shrivastava, Senior Advocate along with Mr. Rahul Mishra, Advocate
For Respondents/State	:	Mr. Prasun Bhaduri, Deputy A.G.
For Respondent No.4	:	Ms. Sonia Kuldeep, Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge

Judgment on Board

Per Ramesh Sinha, C.J.**05/05/2026**

1. Heard Mr. Rajeev Shrivastava, Senior Advocate along with Mr. Rahul Mishra, learned counsel for the appellants as well as Mr. Prasun Bhaduri, learned Deputy Advocate General for the State and Ms. Sonia Kuldeep, learned counsel appearing for the respondent No.4.
2. The present writ appeal has been preferred under Section 2(1) of the Chhattisgarh High Court (Appeal to Division Bench) Act, 2006 against the order dated 19.02.2026 passed by the learned Single Judge in W.P. (C) No. 2402 of 2018, whereby the writ petition filed by the appellants/petitioners has been dismissed as not maintainable. The appellants had sought a direction to the State Government and its authorities to decide and settle the Nazul land bearing Khasra No. 2009/1, area 3.01 acres situated at Ambikapur, District Surguja, in their favour on the basis of alleged long possession since the year 1942, the recommendations of the revenue authorities, the order passed by the



Board of Revenue dated 20.08.1984 and the earlier directions issued by this Court in W.P. No. 7354 of 2011 and Contempt Petition No. 400 of 2012. The learned Single Judge, while relying upon the decision of the Hon'ble Supreme Court in Shalini Shyam Shetty and Another v. Rajendra Shankar Patil, held the writ petition to be not maintainable, against which the present intra-Court appeal has been filed.

3. By way of this writ appeal, appellants have prayed for following relief(s):-

“It is therefore, prayed that the Hon'ble Court may kindly be pleased to allow the instant appeal and set-aside the impugned order/judgment dated 19.02.2026 (Annexure A/1) and may kindly be pleased to remand the matter before the Hon'ble Single Bench with direction to hear and decide the WP(C) No. 2402/2018 on merit on the basis of reply of the respondents or this Hon'ble Court may humbly pleased to direct State Government to decide the representation of petitioner and proposal/report of Collector, Distt. - Surguja (C.G.) in the ends of justice.”

4. The facts of the case in brief are that, the appellants claim that their predecessor-in-interest, Late Jagatdhari Dubey, who was serving as a priest in the erstwhile State of Surguja, was orally allotted the land bearing Khasra No. 2009/1 admeasuring 3.01 acres situated at Ambikapur by Maharaja Ramanuj Sharan Singh Deo in the year 1942 and since then the family of the appellants has been in continuous possession thereof by constructing residential houses over the said land. Proceedings under Section 248 of the Chhattisgarh Land Revenue Code were initiated in the year 1968, wherein Smt. Sughra Devi @



Sughari Devi, widow of Late Jagatdhari Dubey, sought settlement of the land in her favour on the basis of long possession. During the said proceedings, statements of witnesses were recorded and the revenue authorities found that the possession of the appellants' predecessor existed from prior to the year 1954. Various recommendations were thereafter made by the Tahasildar, Deputy Collector and other revenue authorities for settlement of the land in favour of the appellants' family in light of the Government Circulars dated 05.04.1956 and 07.11.1965. Though an order of eviction was subsequently passed by the Tahasildar on 04.07.1981, the matter ultimately reached the Board of Revenue, which by order dated 20.08.1984 held that proceedings under Section 248 of the Code were not attracted and further observed that it would be desirable to settle the land in favour of Smt. Sughra Devi.

5. Thereafter, despite repeated representations and recommendations made by the Collector, Surguja, no final decision was taken by the State Government with regard to settlement of the land. The appellants had earlier approached this Court by filing W.P. No. 7354 of 2011, which was disposed of on 05.12.2011 directing the competent authority to consider and decide the claim of the appellants in accordance with law. Subsequently, the Tahasildar by order dated 05.10.2012 held that the land in question being Nazul land, he had no jurisdiction to settle the same, whereafter the appellants submitted representations before the Collector and the State Government. It is the case of the appellants that the Collector, Surguja also forwarded a report to the State Government on 07.01.2013 recommending consideration of settlement of the land, however, no decision was taken by the State authorities. Aggrieved by



such inaction, the appellants preferred W.P.(C) No. 2402 of 2018 seeking a direction to the State Government to decide and settle the land in their favour in accordance with law, which came to be dismissed by the learned Single Judge on the ground of maintainability, giving rise to the present writ appeal.

6. It has been pointed out by learned counsel appearing for the appellants as well as learned counsel appearing for the respondents that this Court has already decided **Writ Appeal No. 347 of 2026 (Harivansh Dubey and others Vs. State of Chhattisgarh and others)** vide order dated 29.04.2026, which had arisen out of the common order dated 19.02.2026 passed by the learned Single Judge in W.P.(C) No. 1966 of 2012 and W.P.(C) No. 2402 of 2018. While dismissing Writ Appeal No. 347 of 2026, this Bench has observed as follows:-

“11. A plain reading of the impugned order passed by the learned Single Judge would reveal that the claim of the appellants/writ petitioners has been duly considered and the learned Single Judge has rightly come to the conclusion that when the title of the petitioner is itself in dispute, the appropriate remedy is a civil suit and not a writ petition.

12. In the present case, the reliefs sought by the appellants clearly involve adjudication of disputed questions of title, which cannot be effectively or appropriately determined in writ proceedings. The learned Single Judge has also granted liberty to the appellants to avail appropriate remedy before the civil court, which adequately safeguards their rights. This Court finds no infirmity, illegality or perversity in the impugned order warranting



interference in intra-court appellate jurisdiction. The scope of interference in an intra-court appeal being limited, this Court does not find any compelling ground to take a different view.

13. Consequently, in view of the foregoing analysis, this Court is of the considered opinion that the impugned order dated 19.02.2026 passed by the learned Single Judge does not call for any interference. The writ appeal, being devoid of merit, is accordingly **dismissed**.

14. There shall be no order as to costs.”

They further submit that since the WA No. 347 of 2026 has already been decided by this Bench vide order dated 29.04.2026, this appeal may also be decided in the same terms.

7. Having considered the rival submissions made by learned counsel for the parties and having gone through the materials on record, it is evident that the facts and issue involved in this appeal is identical to WA No. 347 of 2026, this Court deems it appropriate not to take a view other than what has been taken in WA No. 347 of 2026.
8. Accordingly, the present appeal is **dismissed** in terms of the order dated 29.04.2026 passed in WA No. 347 of 2026.

Sd/-
(**Ravindra Kumar Agrawal**)
Judge

Sd/-
(**Ramesh Sinha**)
Chief Justice