



2026:CGHC:18251



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 1432 of 2026

1 - Hemlal Shriwas S/o Late Pardeshi Ram Shriwas Aged About 74 Years R/o Mig 30 Dindayal Puram Colony, Chhote Atarmuda, Tv Tower Road, Ward No. 28, Raigarh, Distt. Raigarh Chhattisgarh

... **Petitioner(s)**

versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Revenue And Disaster Management, Indravati Bhavan, Atal Nagar Raipur, District Raipur Chhattisgarh

2 - Collector Raigarh Distt. Raigarh Chhattisgarh

3 - The Sub Division Officer (Revenue) Raigarh, Distt. Raigarh Chhattisgarh

4 - The Tahsildar Raigarh, Distt. Raigarh Chhattisgarh

... **Respondents**

(Cause-title taken from the Case Information System)

For Petitioner :- Mr. Rajendra Tripathi, Advocate

For State :- Mr. Shobhit Mishra, Dy. G.A.

SB- Hon'ble Shri Justice Amitendra Kishore Prasad

**Order On Board****22.04.2026**

1. By way of the present writ petition filed under Article 226 of the Constitution of India, the petitioner has challenged the notices dated 19.01.2026 and 16.02.2026 issued by the respondent authorities, whereby the petitioner has been directed to vacate the subject premises on the allegation that he is an encroacher over the said land.
2. Facts of the case are that the petitioner is a retired employee of the M.P. Electricity Board, who was posted as Executive Assistant-II during his service tenure. It is the case of the petitioner that under a Government scheme for allotment of land to its employees, he was allotted a plot bearing Land No. 107, Category "Sirish", admeasuring 1500 square feet, situated at Kelo Vihar Colony, District Raigarh. Pursuant thereto, the petitioner was granted a *Bhawan Bhumiswami Adhikar Patra*, thereby conferring rights over the said land. It is submitted that ever since the allotment, the petitioner has been in peaceful possession of the said land for the last 30–40 years and has constructed a residential house thereupon, where he is residing along with his family members. It is further submitted that the petitioner has been regularly paying property tax and other municipal dues in respect of the said property, and has also been paying electricity charges, thereby demonstrating his continuous and settled possession over



the land in question. The grievance of the petitioner arises from the issuance of notices dated 19.01.2026 and 16.02.2026 by the respondent authorities, particularly the Tahsildar (Nazul), alleging that the petitioner is an encroacher over the said land and directing him to vacate the premises. According to the petitioner, the said notices have been issued without proper consideration of the allotment granted in his favour and without affording him an adequate opportunity of hearing, and therefore, the same are arbitrary, illegal and liable to be set aside.

3. Following reliefs have been prayed by way of this petition:-

"i. That, this Hon'ble Court may kindly be pleased to quash/set-aside the notice dated 19.01.2026 & 16.02.2026 passed by the respondent authority.

ii. That, this Hon'ble Court may kindly be pleased to direct the respondent authorities to not interfere the peacefully possession of the petitioner and not to demolish the structure of petitioner.

iii. Cost of the petition may also be granted to the petitioner. iv. Any other relief, which this Hon'ble Court deems fit and proper, may also kindly be granted to the petitioner, in the interest of justice. "

4. Learned counsel for the petitioner submits that the petitioner was granted rights over a piece of land measuring 1500 square feet



under *Bhawan Bhumiswami Adhikar Patra*. Pursuant thereto, the petitioner is in possession of the said land for the last several decades and has constructed a residential house thereupon, wherein he is residing along with his family. It is further submitted that despite having a valid title and long-standing possession, the impugned notices have been issued by the concerned Tahsildar (Nazul), alleging the petitioner to be an encroacher, which is wholly illegal and contrary to the record. Learned counsel for the petitioner contends that the action of the respondents is arbitrary and unsustainable in law, as the petitioner has been granted rights over the land and is in lawful possession thereof.

5. Per contra, learned State counsel, on advance copy, submits on instructions that the petitioner has failed to comply with the terms and conditions of the *Bhawan Bhumiswami Adhikar Patra*, particularly with regard to payment of rent, and therefore, the impugned notices for eviction have been issued.
6. I have heard learned counsel for the parties and perused the material available on record.
7. Considering the rival submissions and perusal of the record, it appears that the petitioner has been granted certain rights over the land in question and is in possession thereof, having constructed a house over the same. At the same time, the contention of the State regarding non-payment of rent in terms of



the allotment conditions also requires consideration by the competent authority.

8. In view of the aforesaid facts and circumstances of the case, the present petition is disposed of with the following directions: (i) The concerned Nazul Officer / Respondent No. 4 shall provide an opportunity of hearing to the petitioner and consider all documents submitted by him. (ii) The petitioner shall also be under an obligation to clear the outstanding rent, if any, in accordance with the terms and conditions of the *Bhawan Bhumiswami Adhikar Patra*. (iii) The respondent authority shall thereafter pass a reasoned and speaking order in accordance with law.
9. Till final decision is taken by the competent authority, no coercive steps, including eviction, shall be taken against the petitioner. However, it is made clear that the petitioner shall deposit/pay the outstanding rent amount, as applicable, before claiming protection under this order.
10. With the aforesaid observations and directions, the writ petition stands **disposed of**.

sd/-

(Amitendra Kishore Prasad)
Judge

Vishakha