



NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 1952 of 2026

Manoj Kashyap S/o Late Shri Rajaram Kashyap Aged About 42 Years
R/o Village Chhatauna Post Jarhagaon , Police Station Jarhagaon,
District- Mungeli (C.G.) M. No. 8085533147

... Petitioner

versus

1 - State Of Chhattisgarh Through The Secretary, Revenue Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, Atal Nagar, P.O. And P.S. Naya Raipur, District- Raipur (C.G.).

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

3 - Sub Divisional Officer (Revenue) Mungeli , District- Mungeli (C.G.).

4 - Tahsildar, Jarhagaon , District- Mungeli (C.G.).

5 - Rajendra Jaiswal S/o Late Amarnath Jaiswal Aged About 56 Years
R/o Village Chhatauna Post Jarhagaon , Police Station Jarhagaon,
District- Mungeli (C.G.).

... Respondents

For Petitioner	:	Mr. Manoj Kashyap (Petitioner-in-person) along with Ms. Shivangi Agrawal, Advocate.
For Respondent	:	Mr. S.S. Bhagel, G.A.



Hon'ble Shri Justice Amitendra Kishore Prasad

Order on Board

24/04/2026

1. This petitioner has been filed by the petitioner seeking
for the following reliefs:-

I. issue notices to the respondents returnable within early date of hearing.

II. set-aside the impugned order vide Annexure passed by the respondent No. 3 dated 10.11.2025.

III. direct the respondent no. 2 to 4 to make fresh demarcation in accordance with law in presence of the petitioner and shift the land belongs to the respondent No.5 at the original place near the bank of river Rahan.

IV. direct the respondent No. 2 to 4 to measure the construction made by the respondent No. 5 and to take action for illegal encroachment of government land within stipulated period.

V. direct the respondent No. 2 to grant just and fair compensation to the petitioner in accordance with law.

VI. grant any other relief(s)/ order(s)/ direction(s) in favour of petitioner, which deemed fit & proper in the facts & circumstances of the case, in the interest of justice

2. The case of the petitioner, in brief, is that the petitioner, along with the Gram Panchayat and other persons, has been



in continuous possession of land bearing Khasra No. 246/1 for more than 30 years, whereas Khasra No. 246/2 was purchased by respondent No. 5 in the year 2018. It is alleged that respondent No. 5, in connivance with revenue authorities, has shifted his land towards the petitioner's land, despite an earlier demarcation conducted in 1997-98 placing his land near the bank of river Rahan, and has been repeatedly interfering with the petitioner's peaceful possession, giving rise to multiple rounds of litigation, including directions issued by this Hon'ble Court for proper demarcation and consideration of the matter. It is further alleged that during the pendency of proceedings and despite interim protection, the respondent authorities, without affording adequate opportunity of hearing, demolished the petitioner's Dhaba and shop on 11.06.2024, and thereafter, despite directions of this Hon'ble Court to consider the petitioner's representation for compensation, the same has been rejected on the basis of an incorrect demarcation report, constraining the petitioner to file the present petition challenging the impugned order.

3. Since the Petitioner-in-person is unable to put up his case properly as such Ms. Shivangi Agrawal Advocate was



requested to assist the Court and to argue the matter on behalf of Petitioner-in-person.

4. Learned counsel for the petitioner submits that the impugned order (Annexure P-1) passed by respondent No. 3 is arbitrary, illegal and unsustainable in law, being founded on an erroneous demarcation report and passed without due application of mind. It is contended that the respondent authorities, in collusion with respondent No. 5, have illegally demolished the petitioner's Dhaba and structure despite his long-standing possession and dependence thereon for livelihood, thereby infringing his right to life and livelihood. It is further submitted that while respondent No. 5 has allegedly encroached upon government land beyond his purchased area, no action has been taken against him, whereas the petitioner has been illegally dispossessed without following due process of law and in violation of principles of natural justice, even during the subsistence of interim orders of status quo. It is thus argued that the action of the respondents is arbitrary, discriminatory, and contrary to law, and the rejection of the petitioner's claim for compensation is unjustified,



rendering the impugned order liable to be set aside with consequential relief of compensation.

5. Learned State counsel opposes the submissions advanced on behalf of the petitioner and submits that the impugned order has been passed strictly in accordance with law and on the basis of the demarcation report prepared by the competent revenue authorities. It is contended that the petitioner was in unauthorized occupation of government land and that removal of encroachment was carried out following due procedure. The allegations of mala fide, collusion, and illegal demolition are specifically denied. It is further submitted that the petitioner is not entitled to any compensation, and the petition, being devoid of merit, deserves to be dismissed.

6. Learned counsel for the petitioner submits that the petitioner has been in long-standing possession of Government land where he has constructed a temporary dhaba and was earning his livelihood therefrom, it is further submitted that respondent No. 5, who is also alleged to be an encroacher, had moved an application for demarcation



alleging encroachment by the petitioner, pursuant to which proceedings have been initiated by the Tahsildar it is also submitted that the petitioner has already moved an application for grant of patta/regularization in respect of the said land.

7. Having considered the submissions advanced and without entering into the merits of the case, this Court is of the view that no relief as prayed for can be granted at this stage, however, the petitioner is granted liberty to file an appropriate application before the competent authority within a period of 15 days from today for settlement/regularization of the land in question, and if such application is filed, the same shall be considered and decided strictly in accordance with law within a period of 60 days from the date of its submission, after affording due opportunity of hearing to all concerned parties. Insofar as the grievance raised by respondent No. 5 is concerned, since he himself is alleged to be an encroacher, he lacks locus standi to raise any grievance against another alleged encroacher, and no relief can be granted to one encroacher against another. Accordingly, the petition stands disposed of.



2026:CGHC:18959

8. With the aforesaid observation(s) and direction(s) this petition stands disposed of.

9. This Court appreciates the assistance rendered by the counsel who appeared on behalf of petitioner-in-person.

**Sd/-
(Amitendra Kishore Prasad)
Judge**

Arpan