



2026:CGHC:17991

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPC No. 2869 of 2021**

1 - Gram Panchayat Chalta Through Sarpanch , Jamni Bai W/o Shri Gunu Ram, Aged About 55 Years, Sarpanch Gram Panchayat Chalta, Mainpath, Ambikapur , District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

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

1 - State Of Chhattisgarh Through Secretary , Revenue And Disaster Management Department , Mahanadi Bhawan, New Mantralaya , Atal Nagar , District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

2 - The State Of Chhattisgarh Through Secretary, Agriculture Department Mahanadi Bhawan, New Mantralaya , Atal Nagar , District Raipur Chhattisgarh.

3 - The Collector Ambikapur , District Surguja Chhattisgarh.

4 - The Deputy Director Agriculture Department, Ambikapur , District Surguja Chhattisgarh.

5 - The Tahsildar Mainpath, District Surguja Chhattisgarh.

6 - Deputy Director Farm Manager Government Agricultural Farm, Chalta Sitapur District Surguja Chhattisgarh.



... Respondents

(Cause-title taken from the Case Information System)

For Petitioner	:	Mr. Sunil Tripathi, Advocate
For State	:	Mr. Siddharth Sharma, P.L.

SB- Hon'ble Shri Justice Amitendra Kishore Prasad**Order On Board****21.04.2026**

1. By way of the present petition, the petitioner, Gram Panchayat Chalta through its Sarpanch, has called in question the legality and validity of the proceedings of Revenue Case No. 03A of 1996–1997 culminating in order dated 18.11.1996 passed by the Collector, Surguja, whereby the land recorded as Nistari/Gauchar land has been allotted in favour of the Agriculture Department.
2. The case of the petitioner is that the land in question is recorded as Nistar land (Gauchar land) meant for grazing of cattle and other common purposes of the villagers. It is contended that the Gram Panchayat had, at the relevant time, objected to the proposed transfer/diversion of the said land and had passed resolutions opposing such allotment. The Tahsildar, upon enquiry, also submitted a report stating that the land is being used for Nistar purposes and no alternative land is available. Despite the objections and without following the due procedure contemplated under the provisions of the C.G. Land Revenue Code, 1959, particularly Sections 236 and 237, the Collector passed the



impugned order dated 18.11.1996 allotting the land to the Agriculture Department. The petitioner submits that no proper hearing was granted to the Gram Panchayat and the order was passed in violation of principles of natural justice.

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

“10.1 The Hon'ble court may kindly be pleased to call of records of the petitioners for its kind perusal.

10.2 The Hon'ble court may kindly be pleased to set-aside entire proceedings proceeded by the Collector Sarguja, through Revenue Case no. 03A of 1996/1997 (ANNEXURE P-1) With Order dated 18.11.1996 issued by the respondent no. 3 during culmination of the Proceedings of Revenue Case No. 03A of 1996/1997.

10.3 The Hon'ble court may kindly be pleased to direct the respondent authorities to provide an alternate land rather than the Nistari land of Gram Panchayat Chalta for their use.

10.4 Any other relief, which Hon'ble court deems fit and proper of the case, may be allowed.

10.5 Cost of the petition may also be allowed. ”

4. Learned counsel for the petitioner submits that the land in question is Gauchar land reserved for grazing of cattle and, therefore, cannot be diverted for any other purpose without strict



compliance with the statutory provisions. It is argued that the mandatory provisions contained under Sections 236 and 237 of the C.G. Land Revenue Code, 1959 have not been followed in the present case. It is further submitted that the Gram Panchayat had categorically objected to the proposed transfer of the land; however, the Collector, without affording any opportunity of hearing to the petitioner and ignoring the objections on record, proceeded to pass the impugned order. It is also contended that alternative lands are available in the vicinity, and thus, diversion of the Gauchar land was wholly arbitrary and unjustified. Learned counsel submits that, at the very least, the petitioner was entitled to a proper and effective hearing before any such decision affecting the rights of the Gram Panchayat and villagers was taken.

5. Per contra, learned State counsel submits that the impugned order was passed as far back as on 18.11.1996 and has attained finality over the passage of time. It is contended that the Agriculture Department has been in long-standing possession of the land in question, allegedly since the year 1961. It is further submitted that the present writ petition suffers from gross delay and laches, as the challenge has been raised after several decades without any satisfactory explanation. On this ground alone, it is argued that the petition is liable to be dismissed.



6. I have heard learned counsel for the parties and perused the material available on record.
7. It is not in dispute that the land in question is recorded as Nistar/Gauchar land meant for the common use of villagers. It is also evident from the record that objections were duly raised by the Gram Panchayat and that the Tahsildar had submitted a report opposing such transfer of land. At the same time, it cannot be overlooked that the impugned order was passed in the year 1996 and the present petition has been filed after a considerable lapse of time, which would ordinarily disentitle the petitioner from invoking the writ jurisdiction of this Court on the ground of delay and laches. However, the provisions of the C.G. Land Revenue Code mandate strict adherence to procedure and require that an opportunity of hearing be afforded, particularly in cases involving Nistar land affecting the rights of the village community. Considering the nature of the land and its significance for the villagers, this Court is of the view that the matter warrants reconsideration by the competent authority after granting proper and effective opportunity of hearing to all concerned parties.
8. Accordingly, without entering into the merits of the case, the present petition is **disposed of** with the following directions: (i) The petitioner is granted liberty to approach the concerned Collector by filing a detailed representation along with all relevant documents within a period of **30 days** from today. (ii) Upon such



representation being filed, the Collector shall afford proper opportunity of hearing to the petitioner as well as all affected parties; consider the objections in accordance with law; examine compliance with the provisions of the C.G. Land Revenue Code, 1959, particularly Sections 236 & 237 of the Code and thereafter pass a reasoned and speaking order. The entire exercise shall be completed, as far as possible, within a period of **45 days** from the date of receipt of such representation.

9. It is made clear that this Court has not expressed any opinion on the merits of the case.
10. With the aforesaid observations and directions, the writ petition stands **disposed of**.
11. No order as to costs.

sd/-

(Amitendra Kishore Prasad)
Judge

Vishakha