

**NAFR****HIGH COURT OF CHHATTISGARH AT BILASPUR****WPC No. 2235 of 2026**

1 - Gyaneshwar Tiwari S/o Late Ramkhilawan Tiwari Aged About 57 Years R/o Ward No 3, Pendra Tahsil- Pendra Distt- Gaurela- Pendra-Marwahi (C.G.)

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

1 - State Of Chhattisgarh Through The Secretary Department Of Revenue Mahanadi Bhawan Nawa Raipur Distt- Raipur (C.G.)

2 - The Collector Distt- Gaurela- Pendra- Marwahi (C.G.)

3 - The Sub- Divisional Officer (Revenue) Pendra Distt- Gaurela- Pendra- Marwahi (C.G.)

4 - The Tahsildar Pendra- Road Distt- Gaurela- Pendra- Marwahi (C.G.)

5 - Deputy Director Agriculture- Distt- Gaurela - Pendra-Marwahi (C.G.)

6 - Krishi Upaj Mandi Samiti Through - The Secretary Office Of The Krishi Upaj Mandi Samiti Pendra- Distt- Gaurela-Pendra-Marwahi (C.G.)

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

For Petitioners : Mr. Yogendra Chaturvedi, Advocate

For State : Mr. Vivek Siddharth Ojha, Panel Lawyer



Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

06/05/2026

1. The petitioners have preferred this writ petition under Article 226 of the Constitution of India, seeking following relief(s):-

"10.1 That, this Hon'ble court may kindly be pleased to direct the Respondent No. 3 / SDO(R) to hear and decide the application for stay filed under Section 52 and the appeal filed under Section 44(1) of the Chhattisgarh Land Revenue Code, 1959 within stipulated period.

10.2 That, this Hon'ble court may kindly be pleased to direct the respondent authorities to Maintain Status Quo with respect to the subject land bearing bearing Khasra no. 2976/2, 2973/9 Area 4.047 hectare & 4.047 hectare respectively situated at Village Pendra, Distt- Gaurela Pendra Marwahi (C.G) and 10.3 That, this Hon'ble court may kindly be pleased to restrain any the respondent authorities from carrying out demolition, construction of fencing, or any other activity that disturbs the petitioner's possession until the disposal of the appeal.



10.3 Any other relief or reliefs may also be granted to the petitioner which this Hon'ble court deems fit and proper in the facts and circumstances of the case."

2. Facts of the case, as projected, are that the petitioner claims to be in possession of the subject land bearing Khasra Nos. 2976/2 and 2973/9, admeasuring 4.047 hectares each, situated at Village Pendra, District Gaurela-Pendra-Marwahi (C.G.), for more than 30 years. It is stated that the petitioner has constructed a residential house and a cow shed (Gowshala) over the said land and has been residing there peacefully with his family. Proceedings for alleged encroachment were initiated by the Tahsildar, who issued a notice dated 07.04.2025 directing the petitioner to appear on 08.04.2025. The petitioner appeared and filed his preliminary objections on 09.04.2025. However, on the same day, the Tahsildar passed an order under Section 248 of the Chhattisgarh Land Revenue Code, 1959, directing removal of encroachment and imposing a fine of Rs. 500/-. Aggrieved by the said order dated 09.04.2025, the petitioner preferred an appeal under Section 44(1) of the Code along with an application under Section 52 seeking stay before the Sub-Divisional Officer (Revenue) on 23.01.2026, which is stated to be pending consideration. Meanwhile, it is alleged that the respondent authorities have initiated eviction proceedings, demolished the cow shed, and are



raising fencing over the land, despite pendency of the appeal and stay application.

3. Learned counsel for the petitioner submits that the appeal filed by the petitioner under Section 44(1) of the Chhattisgarh Land Revenue Code, 1959, along with the stay application under Section 52, is still pending before the competent appellate authority. It is contended that despite pendency of the said appeal, the respondent authorities are proceeding with coercive action, thereby rendering the statutory remedy illusory. It is further submitted that the petitioner is in long-standing possession of the land and has constructed a residential house and cow shed, and any dispossession during pendency of the appeal would cause irreparable loss and injury. Hence, it is prayed that the appellate authority be directed to decide the appeal expeditiously.
4. Learned State counsel submits that the petitioner has already availed the statutory remedy of appeal under the provisions of the Chhattisgarh Land Revenue Code, 1959, which is pending consideration before the competent authority. It is submitted that appropriate orders may be passed directing the said authority to decide the appeal in accordance with law.
5. Having heard learned counsel for the parties and upon perusal of the material available on record, this Court finds that the appeal preferred by the petitioner under Section 44(1) of the Chhattisgarh



Land Revenue Code, 1959, along with the application for stay, is pending consideration before the Sub-Divisional Officer (Revenue).

6. Considering the fact that the statutory appeal along with stay application is already pending, it would be appropriate to direct the appellate authority to decide the same expeditiously. Accordingly, the concerned Sub-Divisional Officer (Revenue) is directed to consider and decide the appeal filed by the petitioner as expeditiously as possible, preferably within a period of 30 days from the date of receipt of a certified copy of this order.
7. The petitioner is at liberty to file an application for urgent hearing before the appellate authority, and if such an application is filed, the same shall be duly considered in accordance with law. Till a decision is taken on the said application for urgent hearing, the concerned Tahsildar is directed not to take any coercive steps against the petitioner.
8. With the aforesaid directions, the petition stands disposed of.

Sd/-

**(Amitendra Kishore Prasad)
Judge**

Shayna