



2026:CGHC:20868



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 2208 of 2026

1 - Ramji Soni S/o Late Jhadu Ram Soni Aged About 56 Years R/o Village And Post Bundeli, Police Station And Tahsil Chhuikhadan, District Khairagarh-Chhuikhadan-Gandai Chhattisgarh

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through Its Chief Secretary, Mantralaya, Mahanadi Bhawan, Nawa Raipur, Chhattisgarh

2 - The Collector Khairagarh-Chhuikhadan-Gandai Chhattisgarh

3 - The Sub Divisional Officer (Revenue) Chhuikhadan, District Khairagarh-Chhuikhadan-Gandai Chhattisgarh

4 - The Tahsildar, Chhuikhadan District Khairagarh-Chhuikhadan-Gandai Chhattisgarh

5 - Chief Executive Officer Zila Panchayat District Khairagarh-Chhuikhadan-Gandai Chhattisgarh

6 - Chief Executive Officer Janpad Panchayat - Chhuikhadan, District Khairagarh-Chhuikhadan-Gandai Chhattisgarh

7 - Shri Divakar Soni Sarpanch, Village And Post Bundeli, Tahsil And Police Station Chhuikhadan, District Khairagarh-Chhuikhadan-Gandai Chhattisgarh

... Respondent(s)

(Cause Title is taken from CIS System)

For Petitioner : Mr. Love Kumar Ramteke, Advocate

For State : Mr. Anand Dadariya, Dy. Advocate General



Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

05/05/2026

1. The petitioner has filed this writ petition seeking following reliefs :

“10.1 That, this Hon'ble Court may kindly be pleased to call the entire records from the respondents.

10.2 That, the Hon'ble Court may kindly be please to direct Respondents No. 1 to 6 to initiate action/proceedings against Respondent No. 7, Sarpanch Shri Divakar Soni, on the basis of the Petitioner's applications annexed as P/1, dated 10/02/2026 and 12/04/2026.

10.3 That, this Hon'ble Court may kindly be pleased to grant any other relief or pass such other and further orders as may be deemed fit and proper in the facts and circumstances of the present case in the interest of justice.”

2. Facts of the case, as projected, are that the petitioner claims to be the lawful owner and occupant of two shops situated at Village–Post Bundeli. It is the case of the petitioner that he has acquired valid title over the said shops by way of occupancy lease and registered sale deed, and has been in peaceful possession



thereof. The petitioner asserts that he has neither encroached upon any government land nor indulged in any unauthorized occupation. It is further averred that the petitioner has been regularly paying all applicable taxes, fees and charges in respect of the said shops, and has also paid taxes for the period from January 2026 to December 2026, as reflected from the receipts placed on record. The grievance of the petitioner arises from a complaint allegedly lodged by respondent No. 7, namely the Sarpanch of the village, before the Tehsildar, Chuikhadan on 08.07.2025, wherein allegations have been made that the petitioner has encroached upon government land. The petitioner submits that such complaint is false, frivolous and has been filed with an intention to harass him. The petitioner has already submitted his reply before the Tehsildar, and the said proceedings are stated to be pending, with the next date of hearing fixed. It is further the case of the petitioner that aggrieved by the conduct of respondent No. 7, he submitted representations dated 10.02.2026 and 12.04.2026 before the competent authorities (respondents No. 1 to 6), seeking removal of the Sarpanch from his position and also seeking registration of a First Information Report against him for alleged misconduct and abuse of authority. However, no action has been taken on the said representations till date. Alleging inaction on the part of the respondent authorities and continued harassment at the instance of respondent No. 7, the



petitioner has approached this Court seeking appropriate directions.

3. Learned counsel for the petitioner submits that the petitioner is a lawful owner and occupier of the shops in question and has been regularly paying all taxes and charges. It is contended that the complaint lodged by respondent No. 7 before the Tehsildar is wholly false and has been filed with mala fide intention to harass the petitioner and to derive undue benefit. It is further submitted that respondent No. 7, being a public functionary holding the office of Sarpanch, is misusing his position and engaging in arbitrary and corrupt practices. Learned counsel submits that despite repeated representations made by the petitioner to the competent authorities seeking removal of respondent No. 7 and registration of FIR against him, no action has been taken. It is argued that such inaction on the part of the authorities is arbitrary and violative of the petitioner's rights, and therefore this Court should exercise its writ jurisdiction to direct appropriate action against respondent No. 7, including registration of FIR and removal from office.
4. Per contra, learned State counsel opposes the petition and submits that the reliefs sought by the petitioner are not maintainable in the present writ proceedings. It is contended that the allegations made by the petitioner involve disputed questions of fact which require proper inquiry and adjudication by the



competent statutory authorities. It is further submitted that the proceedings initiated before the Tehsildar regarding alleged encroachment are already pending, and the petitioner has adequate opportunity to place his defence before the said authority. With regard to the prayer for registration of FIR, it is submitted that the petitioner has an efficacious alternative remedy available under the provisions of criminal law, including approaching the police authorities or the competent Magistrate, and therefore no direction is required to be issued by this Court. It is further submitted that the representation made by the petitioner can be considered by the competent authority in accordance with law, and appropriate orders may be passed.

5. Heard learned counsel for the parties at length and perused the material available on record.
6. The petitioner has approached this Court primarily seeking directions for removal of respondent No. 7 (Sarpanch) from his position and for registration of FIR against him, on the basis of allegations that he has lodged a false complaint and is misusing his official position. At the outset, it is to be noted that the reliefs sought by the petitioner involve serious allegations of misconduct and criminality, which necessarily require detailed inquiry and adjudication based on evidence. Such disputed questions of fact cannot be appropriately examined in exercise of writ jurisdiction under Article 226 of the Constitution of India.



7. So far as the proceedings before the Tehsildar regarding alleged encroachment are concerned, it is an admitted position that the same are already pending and the petitioner has participated therein by submitting his reply. The said authority is competent to adjudicate upon the issue in accordance with law. Therefore, this Court does not find any reason to interfere in such proceedings at this stage.
8. With regard to the prayer for registration of FIR, it is well settled that if a person has a grievance regarding commission of a cognizable offence, he is at liberty to approach the concerned police authorities for registration of FIR. In case of inaction, the petitioner may avail appropriate remedies available under law, including approaching the Magistrate under the relevant provisions of the Bhartiya Nagrik Suraksha Sanhita, 2023. In such circumstances, no direction is required to be issued by this Court in the present writ petition.
9. The prayer for removal of respondent No. 7 from the post of Sarpanch also cannot be granted in these proceedings, as such action is governed by the statutory framework and requires consideration by the competent authority upon due inquiry. However, considering the fact that the petitioner has already submitted representations/complaints before the authorities, this Court deems it appropriate to direct the concerned authority to examine the same.



10. In view of the aforesaid, this Court is of the considered opinion that the reliefs sought by the petitioner cannot be granted in the present writ petition, as the same can be availed by initiating appropriate proceedings before the competent forum in accordance with law. The petitioner is always at liberty to lodge an FIR before the concerned police authorities, if so advised, and to avail such remedies as are available under law. However, considering the fact that the petitioner has already made complaints against respondent No. 7, the concerned Janpad Panchayat is directed to consider the complaint made by the petitioner against the Sarpanch and to pass appropriate orders in accordance with law, within a reasonable period. It is made clear that this Court has not made any observation on merits of the case and the respondent authorities are at liberty to examine their case in accordance with law, without being influenced by any observation of this Court.
11. With the aforesaid observations and directions, the writ petition stands disposed of.
- No order as to costs.

Sd/-

(Amitendra Kishore Prasad)
Judge

Shayna