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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 2299 of 2026

Nitai Das S/o Manindra Chandra Aged About 72 Years R/o Village -
Ajabnagar, Now Ravidra Nagar Tahsil- Surajpur, District- Surajpur
(Chhattisgarh)

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through- Secretary, Revenue And Disaster
Management Department, Mahanadi Bhawan, Mantralaya, Atal Nagar,
Nawa Raipur, District- Raipur (C.G.)

2 - The Commissioner Ambikapur, District- Sarguja (C.G.)

3 - The Collector Surajpur, District- Surajpur (C.G.)

4 - The Tahsildar Latori, Tahsil- Surajpur, District- Surajpur (C.G.)

... Respondent(s)

For Petitioner(s) : Mr. Sunil Tripathi, Advocate

For Respondent(s) : Mr. Abhishek Gupta, Panel Lawyer

**Hon'ble Shri Justice Amitendra Kishore Prasad****Order on Board****08/05/2026**

1. The petitioner has filed this writ petition praying for the following reliefs:

10.1 That, this Hon'ble Court may kindly be pleased to call for the entire records of Order passed by Commissioner in revenue appeal case no. 202603960100157/A-19(1)/2025-26 viz. Nitai Das Vs. State of C.G. dated 16.04.2026.

10.2 That, this Hon'ble Court may kindly be pleased to set-aside/quash the impugned order dated 16.04.2026 (Annexure P/1) passe by respondent no. 2.

10.3 That, Hon'ble Court may kindly be pleased to grant any other relief which deem fits by this Hon'ble Court.

10.4 Cost of the petition also given to him.

2. Learned counsel for the petitioner submits that the land in question was allotted to the petitioner under the rehabilitation policy of the State Government and the petitioner has been in possession thereof since the year 1961; however, the said aspect has not been duly considered by the authorities concerned. It is further submitted that the petitioners are in continuous possession of the land since 1960 and have constructed a residential house thereupon in which they are presently residing. Learned counsel



further submits that the petitioners have already moved an application seeking grant of patta/lease in respect of the said land, which is still pending consideration before the competent authority. It is contended that upon a representation made by the petitioner, the concerned Tehsildar called for a report from the revenue authorities of District Surajpur and, on the basis of the said report, observed that the land in question was recorded as grass land in the earlier revenue records and, therefore, could not be granted in favour of the petitioner. Being aggrieved thereby, the petitioner has preferred a revision before the Commissioner, Sarguja Division, which is presently pending consideration. It is further submitted that although an application for grant of interim stay was also filed in the said revision proceedings, the same has been rejected vide order dated 16.04.2026. Learned counsel submits that in absence of any interim protection, the petitioner is facing imminent threat of dispossession and, if removed from possession, shall suffer irreparable loss and injury. It is further submitted that the concerned Tehsildar issued notice dated 10.04.2026 directing the petitioner to appear on 28.04.2026 and upon appearance of the petitioner, the matter was adjourned and fixed for further hearing on 08.05.2026. Learned counsel submits that though the petitioner was entitled for consideration of interim protection by the Commissioner under Section 62 of the Chhattisgarh Land Revenue Code, the stay application has been rejected without assigning any lawful or adequate reasons.



Therefore, it is prayed that appropriate protection be granted to the petitioner and the respondent authorities be restrained from taking any coercive steps against the petitioner till the pendency and final decision of the revision application before the Commissioner, Sarguja Division.

3. Per contra, learned State counsel opposes the submissions advanced on behalf of the petitioner and submits that the land in question is recorded as government grass land in the revenue records and no lawful right, title or interest has ever been conferred upon the petitioner in accordance with law. It is contended that mere long possession over government land does not create any vested right in favour of the petitioner nor can unauthorized occupation be regularized as a matter of right.
4. I have heard learned counsel for the respective parties and perused the record.
5. Considering the aforesaid submissions and the facts and circumstances of the case, particularly taking into consideration the fact that the petitioner is in possession of the suit property, which is also evident from the order passed by this Court in WPC No. 2927 of 2024, and further considering the report along with panchnama submitted by the concerned Patwari wherein it has been categorically stated that the petitioner is in possession of the land in question, this Court deems it appropriate to protect the possession of the petitioner over the subject land. Accordingly, the concerned Commissioner, Sarguja Division, is directed to consider



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and decide the pending appeal preferred by the petitioner strictly in accordance with law and as expeditiously as possible. Till decision of the said appeal, the respondent revenue authorities are directed not to dispossess the petitioner from the land in question except in accordance with law.

Sd/-

(Amitendra Kishore Prasad)

JUDGE

Madhurima