



2026:CGHC:21086

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPC No. 2289 of 2026**

1 - Smt Kanti Bai W/o Shyamcharan Aged About 42 Years R/o Ropakhar, Tahsil Mainpat, District- Surguja (C.G.)

2 - Deepak S/o Mahesh Aged About 43 Years R/o Ropakhar, Tahsil Mainpat, District- Surguja (C.G.)

3 - Dudheshwar Prajapati S/o Ghura Prajapati Aged About 45 Years R/o Ropakhar, Tahsil Mainpat, District- Surguja (C.G.)

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

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

2 - The Collector Ambikapur, District Surguja (C.G.)

3 - Assistant Commissioner Tribal Welfare, Ambikapur, District Surguja (C.G.)

4 - Divisional Forest Officer South Surguja Forest Division, Ambikapur, District Surguja (C.G.)

5 - The Sub-Divisional Officer (Revenue) Mainpat, District Surguja (C.G.)

6 - The Tahsildar Mainpat, District Surguja (C.G.)

... Respondent(s)

**(Cause Title is taken from CIS System)**

For Petitioners : Mr. J. K. Gupta, Advocate

For State : Mr. Shobhit Mishra, Dy. Govt. Advocate

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 call for the entire records of the case.

10.2 That, this Hon'ble Court may kindly be pleased to set-aside/quash the impugned order dated 30.04.2026 (P/1).

10.3 That, this Hon'ble Court may kindly be pleased to quash the eviction proceedings initiated by the respondent no. 6 for eviction of petitioners from disputed premises.

10.4 That, any other relief/order which may deem fit and just in the facts and circumstances of the case including award of the costs of the petition may be given."



2. Facts of the case, as projected, are that the petitioners are residents of Village Repadwar, Tahsil Mainpat, District Surguja, and have been residing over the subject land for several years. It is the case of the petitioners that a patta/lease in respect of Khasra No. 869, admeasuring 0.100 hectare, was granted in favour of petitioner No. 1 in the year 2006 by the competent authorities, i.e., respondent Nos. 2, 3 and 4. Pursuant thereto, the petitioners have constructed residential houses and are in peaceful possession of the said land. It is further stated that an electricity connection also stands in the name of petitioner No. 1, and regular bills have been paid. A show cause notice dated 13.04.2026 was issued by respondent No. 6 directing the petitioners to appear on 17.04.2026. However, according to the petitioners, no effective opportunity of hearing was afforded, nor were they permitted to submit their reply. Subsequently, without proper demarcation and without supplying relevant documents, an impugned bedakhli (eviction) warrant dated 30.04.2026 was issued alleging encroachment over Khasra Nos. 875, 853 and 869, admeasuring 0.360 hectare, recorded as Government land. Aggrieved thereby, the present petition has been filed.
3. Learned counsel for the petitioners submits that the impugned action is wholly arbitrary and in violation of the principles of natural justice. It is contended that no proper or meaningful opportunity of hearing was granted to the petitioners before



passing the impugned order. Further, no demarcation of the alleged encroached land was conducted in the presence of the petitioners, rendering the finding of encroachment unsustainable. It is further submitted that the petitioners are lawful occupants by virtue of the patta granted in their favour in the year 2006, which has neither been cancelled nor revoked by any competent authority till date. Therefore, they cannot be treated as unauthorized occupants. It is also contended that the impugned order does not assign any reasons nor consider the objections raised by the petitioners, thereby making it arbitrary and illegal. The sudden eviction of the petitioners from their residential houses would infringe their right to livelihood and shelter.

4. Per contra, learned State counsel submits that an efficacious alternative remedy is available to the petitioners under the relevant revenue laws to challenge the impugned order. It is, therefore, contended that the present petition is not maintainable and deserves to be dismissed on the ground of availability of alternate remedy.
5. Having heard learned counsel for the parties and upon perusal of the material available on record, this Court finds that though an alternative remedy is available to the petitioners, as contended by learned State counsel, the undisputed position is that a patta was granted in favour of petitioner No. 1 in the year 2006 and the same has not been cancelled or set aside by any competent



authority till date. In such circumstances, the issuance of the impugned notice as well as the bedakhli warrant prima facie appears to be not in accordance with law, particularly in absence of any order cancelling the patta. The action of the respondents also reflects non-compliance with the principles of natural justice.

6. Considering the aforesaid aspect of the matter, it is directed that the concerned Tahsildar shall not take any coercive steps against the petitioners for a period of 90 days from today. The petitioners are directed to avail the alternative remedy by filing an appeal/revision before the competent authority within the aforesaid period, specifically raising the ground that the patta granted in their favour has not been cancelled.
7. Upon such appeal/revision being filed, the appellate authority is directed to consider and decide the same in accordance with law, after affording due opportunity of hearing to the petitioners, within a further period of 90 days.
8. With the aforesaid directions, the petition stands disposed of.

Sd/-

**(Amitendra Kishore Prasad)
Judge**

Shayna