



2026:CGHC:23552
NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR
WPC No. 2604 of 2026

1 - Bigen Das S/o Sahnath Aged About 56 Years R/o Village, Sirkotanga, Post Lahpatra, Sirkotanga, Distt. Surguja, Chhattisgarh.

... **Petitioner(s)**

versus

1 - State Of Chhattisgarh Through The Secretary, Revenue Department , Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, Chhattisgarh.

2 - Collector Surguja, Distt. Surguja, Chhattisgarh.

3 - The Tahsildar Lakhanpur, Distt. Surguja, Chhattisgarh.

... **Respondent(s)**

For Petitioner(s) : Mr. Piyush Bhoi, Advocate appeared through V.C.

For State : Mr. Vivek Verma, G.A.

Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

04.06.2026

1. This petition has been filed by the petitioner seeking for the following relief(s):-

“10.1. That, this Hon'ble Court may kindly be pleased to quash the illegal action of permitting construction over the disputed land.

10.2. That, this Hon'ble Court may kindly be pleased to direct the respondents to maintain status quo over the land in



question.

10.3. That, this Hon'ble Court may kindly be pleased to Restrain the private respondents from making any construction or interference over the said land.

10.4. That, this Hon'ble Court may kindly be pleased to direct that no coercive action be taken against the petitioner until final disposal of the matter.

10.5. That, any other relief/order which may deem fit and just in the facts and circumstances of the case.”

2. **Facts of the case** :- The present petition has been preferred challenging the arbitrary and illegal action of the respondent authorities in permitting interference and construction over land traditionally used by the petitioner-villagers as shamshan (cremation) land, where last rites have been performed for generations. It is averred that on 22.01.2026, bulldozer action was undertaken without any prior notice, whereas notice was issued only on 23.01.2026, rendering the action ex facie arbitrary and violative of the principles of natural justice. Thereafter, the private respondents commenced construction over the disputed land. Aggrieved thereby, the petitioner submitted a representation before the Collector seeking an inquiry, restraint on the construction activities, and protection of the shamshan land; however, no effective action has been taken thereon, necessitating the filing of the present petition.



3. Learned counsel for the petitioner submits that a demolition notice dated 23.01.2026 was issued by the respondent authorities, pursuant to which the petitioner submitted a detailed reply on 01.02.2026 raising all relevant facts and objections. However, without duly considering or deciding the said reply, the respondent authorities proceeded with the demolition proceedings in a wholly arbitrary manner and in violation of the principles of natural justice. Learned counsel further submits that the petitioner continues to remain in possession of the property in question and, apprehending coercive action at the hands of the respondent authorities, has approached this Court seeking appropriate protection in accordance with law.
4. Learned counsel appearing for the State submits that the demolition action has already been carried out by the competent authorities. It is further submitted that, according to the petitioner's own case, certain private persons are presently undertaking construction activities over the land in question; however, such persons, being necessary and proper parties to the present proceedings, have not been impleaded as party respondents. In the absence of the said persons, any adjudication on the issues raised in the petition would be incomplete. It is, therefore, contended that the petitioner has approached this Court without impleading the necessary parties who are likely to be affected by any order that may be passed in the present proceedings.
5. I have heard learned counsel for the parties, perused the



documents available on record with utmost circumspection and particularly, the orders impugned herein.

6. Having considered the submissions advanced by learned counsel for the parties and the facts and circumstances of the case, this Court, without expressing any opinion on the merits of the controversy, deems it appropriate to direct the Tehsildar, Lakhanpur to consider and decide the reply submitted by the petitioner, along with all relevant facts and materials available on record. The Tehsildar shall afford due opportunity of hearing to the petitioner as well as all necessary and affected parties and thereafter pass a reasoned order strictly in accordance with law, uninfluenced by any observations made in this order, within a period of 15 days from the date of receipt of a copy of this order. The petitioner and the concerned parties shall appear before the Tehsildar, Lakhanpur as and when required for the said proceedings.
7. Till the aforesaid exercise is completed and the order is passed by the Tehsildar, Lakhanpur, no coercive steps shall be taken against the petitioner.
8. With these observations and directions this petition is disposed of.
9. Pending Interlocutory Applications, if any, shall stand disposed of.

Sd/-
(Amitendra Kishore Prasad)
Judge