



2026:CGHC:21748



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPC No. 2366 of 2026**

1 - Ashwani Kaushik S/o Shri Sukhram Kaushik Aged About 50 Years
(Wrongly Mentioned As Sukhram In P/1) R/o Ghotiya Road, Near
Junwani Chowk, Ward No. 25, Kawardha, District Kabirdham
Chhattisgarh

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

1 - State Of Chhattisgarh Through The Collector, Kabirdham, District
Kabirdham Chhattisgarh

2 - The Sub Divisional Officer (Revenue) Kawardha, District Kabirdham
Chhattisgarh

3 - The Tehsildar, Kawardha District Kabirdham Chhattisgarh

4 - Sukhram Kaushik S/o Lt. Shri Ramsharan Kaushik Aged About 70
Years R/o Village Kapa, Post Khairbana Kala, Tehsil Bodla, District
Kabirdham Chhattisgarh

5 - Shrimati Uma Bai Kaushik W/o Shri Sukhram Kaushik Aged About



70 Years R/o Village Kapa, Post Khairbana Kala, Tehsil Bodla, District
Kabirdham Chhattisgarh

6 - Rajesh Kaushik S/o Shri Sukhram Kaushik Aged About 48 Years
R/o Junwani Road, Near Jio Tower, Ward No. 26, Kawardha, District
Kabirdham Chhattisgarh

... Respondents

(Cause-title taken from the Case Information System)

For Petitioner :- Mr. Harshmander Rastogi, Advocate
For State :- Mr. Shobhit Mishra, Dy. G.A.

SB-Hon'ble Shri Justice Amitendra Kishore Prasad

Order on Board

08.05.2026

1. By way of the present petition filed under Article 226 of the Constitution of India, the petitioner has called in question the legality and validity of the order dated 06.05.2026 issued by the Tehsildar, Kawardha, whereby the petitioner has been directed to vacate the house situated at Ghothiya Road, near Junwani Chowk, Ward No. 25, Kawardha, District Kabirdham by 07.05.2026, failing which coercive action for dispossession was proposed to be undertaken on 08.05.2026 at 4:00 PM.
2. Facts of the case are that the petitioner has been residing in the subject house since the year 2003 along with his family members and the said property is his only residential accommodation. It has been stated that respondent Nos. 4 and 5 initiated proceedings



under Sections 4 and 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 seeking maintenance as well as possession of the subject property. The said proceedings were registered as Revenue Case No. B/121/2024-25 before the competent authority and vide order dated 30.01.2026, the application preferred by respondent Nos. 4 and 5 came to be allowed, whereby the petitioner and another were directed to pay maintenance amount and also vacate the suit premises. Against the aforesaid order dated 30.01.2026, the petitioner preferred an appeal before the Collector, Kabirdham. In the said appeal, an interim order dated 09.04.2026 was passed staying the operation of the order passed by the SDM, Kawardha. Subsequently, the aforesaid interim protection came to be vacated and thereafter the Tehsildar, Kawardha issued the impugned notice dated 06.05.2026 directing the petitioner to hand over possession of the premises. The petitioner submits that the said notice was served upon him on 07.05.2026.

3. Learned counsel for the petitioner submits that though the appeal against the order dated 30.01.2026 is still pending before the Collector, Kabirdham, the respondents have proceeded in undue haste by issuing the impugned notice directing dispossession within an extremely short period. It is submitted that the petitioner was unaware that the interim order granted earlier had been vacated and he came to know about the same only upon receipt of the notice dated 06.05.2026. Learned counsel further submits



that the petitioner has no other alternative accommodation and immediate dispossession of the petitioner and his family from their only residential house would cause grave hardship and irreparable injury. It is therefore prayed that some reasonable breathing time may be granted to the petitioner so as to enable him to make necessary arrangements for alternate accommodation and avail such remedies as may be available to him in accordance with law.

4. Learned State counsel appearing for the respondents submits that the impugned action has been taken pursuant to the order passed by the competent authority under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. It is further submitted that once the interim order granted by the appellate authority stood vacated, the authorities were justified in proceeding further 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 against the order dated 30.01.2026 is admittedly pending before the Collector, Kabirdham. It is also not in dispute that though interim protection was initially granted in favour of the petitioner vide order dated 09.04.2026, the same subsequently stood vacated. The impugned notice dated 06.05.2026 directing dispossession appears to have been served



upon the petitioner on 07.05.2026 and the dispossession is proposed to be carried out immediately thereafter.

6. Considering the fact that the petitioner is residing in the subject premises along with his family members and seeks only a short breathing period to make alternative arrangements and avail appropriate remedies, this Court is of the opinion that limited interim protection deserves to be granted in the interest of justice.
7. Accordingly, purely as an interim measure and without expressing any opinion on the merits of the case, the effect and operation of the impugned removal/dispossession order dated 06.05.2026 shall remain stayed for a period of **15 (fifteen) days** from today.
8. It is made clear that the petitioner shall be at liberty to challenge the order dated 06.05.2026 before the appropriate forum where the alternative statutory remedy is available.
9. It is further clarified that this Court has not expressed any opinion on the merits of the dispute and all questions are left open to be decided by the competent authority/forum in accordance with law.
10. With the aforesaid observations and directions, the writ petition stands disposed of.

sd/-
(Amitendra Kishore Prasad)
Judge

Vishakha