



2026:CGHC:23560
NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR
WPC No. 2771 of 2026

1 - Samarin Bai W/o Akaliram, D/o Late Narbada Prasad Kumhar Aged About 56 Years R/o Indira Nagar Road , Kumhar Para, Raigarh, Distt. Raigarh (C.G.)

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through -Secretary, Department Of Urban Development Naya Raipur, Distt.-Raipur (C.G.)

2 - The Commissioner, Municipal Corporation, Raigarh, Distt. Raigarh (C.G.)

3 - The Municipal Corporation Raigarh, Through Commissioner , Municipal Corporation Office, Raigarh, Distt. -Raigarh (C.G.)

4 - The Building Officer, Municipal Corporation Office, Raigarh, Distt. Raigarh (C.G.)

5 - The Collector, Raigarh, Distt.-Raigarh (C.G.)

... Respondent(s)

For Petitioner(s) : Mr. Amit Sharma, Advocate
For State : Ms. Diksha Gauraha, Dy. G.A.
For Respondent(s) : Mr. Pankaj Agrawal, Advocate

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 call the entire record relating to the case of the petitioner.

10.2 That, this Hon'ble Court may kindly be pleased to issue a writ of Mandamus restraining the authority from disturbing peaceful possession over the land by the petitioner. And quash the notice dtd.22.05.2026 and also issue the direction to the authority after proper demarcation under section 129 of CGLRC take recourse under due procedure of law.

10.3 That, this Hon'ble Court may kindly be pleased to issue a writ of Mandamus Holding the action of Respondent authorities using the land of the petitioner without acquisition for purpose of constructing Road is illegal and abnition.

10.4 Any other relief deems fit just and proper may also be passed in favour of the petitioner.”

2. Learned counsel for the petitioner submits that the petitioner is aggrieved by the notice dated 22.05.2026 issued by the respondent–Municipal Corporation, Raigarh, alleging unauthorized encroachment and illegal construction over Plot No. 114, Nazul Sheet No.41, and proposing action under Sections 293 and 307 of the Municipal Corporation Act. It is contended that the petitioner has not encroached upon any land and that the



demarcation was conducted behind her back without following the due procedure of law. Learned counsel further submits that the land was originally leased in favour of the petitioner's forefather and that the petitioner's name has already been mutated in the revenue records pursuant to the order dated 09.09.2024 passed by the Nazul Officer. Therefore, the petitioner is in lawful possession of the land in question, therefore, the impugned notice is liable to be set aside.

3. Learned counsel appearing for the Municipal Corporation, on advance notice, submits that upon demarcation of the subject land, it was found that the petitioner was in unauthorized and illegal occupation thereof. Consequently, the competent authority directed initiation of appropriate proceedings against the petitioner in accordance with law.
4. I have heard learned counsel for the parties, perused the documents available on record with utmost circumspection and particularly, the orders impugned herein.
5. Considering the submissions advanced by learned counsel for the parties and upon perusal of the original lease deed placed on record, it *prima facie* appears that the petitioner's land pertains to Plot No.108. However, the respondent–Municipal Corporation has initiated demolition proceedings in respect of Plot No. 114, which does not appear to be the land belonging to the petitioner.
6. In view of the aforesaid, the respondent–Municipal Corporation is directed to undertake a proper demarcation of the petitioner's land



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bearing Khasra No. 108 with the assistance of the Nazul Officer so as to ascertain the exact boundaries and identity of the land claimed by the petitioner. So far as Plot No. 114 is concerned, since the same does not form part of the petitioner's leased land, there shall be no impediment for the competent authorities to proceed in accordance with law for removal of any encroachment found thereon.

7. With these observations and directions this petition is disposed of.

8. Pending Interlocutory Applications, if any, shall stand disposed of.

Sd/-
(Amitendra Kishore Prasad)
Judge

Saxena