



2026:CGHC:13515



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## HIGH COURT OF CHHATTISGARH AT BILASPUR

### WPC No. 2251 of 2020

- Smt. Shanti Choubey, W/o Shri Madhusudan Choubey, Aged About 58 Years, R/o Behind Kasturba Gandhi School, Ward No.5, Ramanujganj, Tahsil Ramanujganj, District Balrampur-Ramanujganj, Chhattisgarh.

--- Petitioner

versus

1. State Of Chhattisgarh, Through The Secretary, Revenue And Disaster Management Department, Mahanadi Bhawan, Mantralaya, Nawa Raipur (C.G.).
2. The Collector, District Balrampur-Ramanujganj, Chhattisgarh.
3. The Nazul Officer, Ramanujganj, District Balrampur-Ramanujganj Chhattisgarh.
4. The Sub Divisional Officer (Revenue), Ramanujganj, District Balrampur-Ramanujganj, Chhattisgarh.

--- Respondents

AND

### WPC No. 2252 of 2020

- Smt. Suman Choubey, W/o Shri Pradeep Kumar Choubey, Aged About 43 Years, R/o Behind Kasturba Gandhi School, Ward No.5, Ramanujganj, Tahsil Ramanujganj, District Balrampur-Ramanujganj, Chhattisgarh.

--- Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, Revenue And Disaster Management Department, Mahanadi Bhawan, Mantralaya, Nawa Raipur Chhattisgarh.
2. The Collector, District Balrampur-Ramanujganj, Chhattisgarh.
3. The Nazul Officer, Ramanujganj, District Balrampur-Ramanujganj Chhattisgarh.
4. The Sub - Divisional Officer (Revenue), Ramanujganj, District Balrampur-Ramanujganj, Chhattisgarh.

--- Respondents

**AND****WPC No. 2254 of 2020**

1. Smt. Pushpa Choubey W/o Shri Dinesh Choubey Aged About 40 Years Resident Of Behind Kasturba Gandhi School, Ward No. 5, Ramanujganj, Tahsil- Ramanujganj, District- Balrampur- Ramanujganj, Chhattisgarh

**--- Petitioner****Versus**

1. State Of Chhattisgarh, Through The Secretary, Revenue And Disaster Management Department, Mahanadi Bhawan, Mantralaya, Nawa Raipur, Chhattisgarh.
2. The Collector District Balrampur-Ramanujganj, Chhattisgarh.
3. The Nazul Officer, Ramanujganj District Balrampur-Ramanujganj, Chhattisgarh.
4. The Sub-Divisional Officer (Revenue) Ramanujganj, District Balrampur-Ramanujganj, Chhattisgarh.

**--- Respondents*****(Cause title taken from Case Information System)***

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|--------------------------------------|---|--------------------------------|
| For Petitioners in all the petitions | : | Mr. Rahul K. Mishra, Advocate. |
| For State/Respondents                | : | Mr. Sangarsh Pandey, G.A.      |

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**Hon'ble Shri Justice Amitendra Kishore Prasad**  
**Order on Board****20/03/2026**

1. As the identical issue involved in these writ petitions, they are being heard and decided together by this common order.
2. For the sake of gravity, WPS No.2251/2020 is taken as a lead case and the relief of the leading case is taken into consideration.
3. Heard.
4. The writ petition has been preferred by the petitioner under Article 226 of the Constitution of India, seeking following reliefs:-

*“10.1 That this Hon'ble Court may kindly be pleased to set aside the impugned auction notice/proposal (Annexure-P/1) with all consequential action pursuant to the auction proceedings in respect of petitioner's possession admeasuring area 600 sq. ft. and further be pleased to direct the respondent authorities to settle the land bearing Khasra No. plot area 600 sq. ft. land of plot No. 70/1343/1 total area*



*9.72 acres land situated at Village Ramanujnagar, Tahsil Ramanujnagar, District Balrampur – Ramanujnagar, in favour of petitioner as per order of the State Government dated 11.09.2019 and as per provisions contained under Chapter – IV (1) Clause 13 (1) Revenue Book Circular, in accordance with law.*

*10.2 That any other relief/order which may deem fit and just int eh facts and circumstances of the case including award of the cost of the petition may be given.”*

5. After arguing at length, learned counsel for the petitioner submits that these petitions may be disposed of by granting liberty to the petitioners to approach before the competent authority for grant of *Patta*, as the petitioners are in possession upon it since long.
6. Learned State counsel does not raise any objection with regard to the limited prayer made by the counsel for the petitioner.
7. I have heard learned counsel for the parties and perused the material available on record carefully.
8. From perusal of the aforesaid relief sought by the petitioners, it appears that the claim of the petitioners are required to be adjudicated by the competent authority under the Chhattisgarh Revenue Book Circular, as matter relates to grant of *Patta*, in which, according to the petitioners, they are in possession since long back. They have filed an application for grant of *Patta* way back on 07.08.2020, which according to the petitioner is pending consideration. This Court is conscious of the fact that when alternative remedy lies under the law, then the writ Court should decline to hear the petition, as alternative remedy lies under the law.
9. Recently, the Hon'ble Supreme Court in the matter of **Leelavathi N. and Others Versus State of Karnataka and Others**, reported in **2025 SCC Online SC 2253** has held that when the alternative remedy is available, then



the High Court should restrain itself from interfering into the matter, which also describes in para 35 & 36, as under:-

*“35. Recently, a three-Judge Bench of this Court in **PHR Invent Education Society vs. UCO Bank and others**, reported in (2024) 6 SCC 579, has held as under:*

37. It could thus clearly be seen that the Court has carved out certain exceptions when a petition under Article 226 of the Constitution could be entertained in spite of availability of an alternative remedy. Some of them are thus:

- (i) where the statutory authority has not acted in accordance with the provisions of the enactment in question;
- (ii) it has acted in defiance of the fundamental principles of judicial procedure;
- (iii) it has resorted to invoke the provisions which are repealed; and
- (iv) when an order has been passed in total violation of the principles of natural justice.

38. It has however been clarified that the High Court will not entertain a petition under Article 226 of the Constitution if an effective alternative remedy is available to the aggrieved person or the statute under which the action complained of has been taken itself contains a mechanism for redressal of grievance.”

(Emphasis Supplied)

*36. A careful perusal of the aforesaid judgments leads us to the conclusion that where an efficacious alternate remedy is available, the High Court should not entertain a writ petition under Article of the Constitution of India in matters falling squarely within the domain of the Tribunals.”*

10. In view of the above submissions made by the respective parties and the law laid down by the Hon’ble Supreme Court, the instant writ petitions are



disposed of granting liberty to the petitioners to approach before the concerned competent authority, before whom alternative remedy lies.

11. Accordingly, all writ petitions stand disposed of.
12. Interlocutory application(s), pending if any, also stands disposed of.

Sd/-  
(Amitendra Kishore Prasad)  
Judge