



2026:CGHC:28835



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPC No. 3627 of 2026**

1 - Balbir Singh Monga S/o Shri Harbansh Singh Monga Aged About 62 Years R/o 32/882, Preeti Niwas, Shyam Nagar, near Sagar Kiraya Bhandar, Telibandha, Raipur, Distt. Raipur, Chhattisgarh.

2 - Daljeet Kaur Monga W/o Balbir Singh Monga Aged About 58 Years R/o 32/882, Preeti Niwas, Shyam Nagar, Near Sagar Kiraya Bhandar, Telibandha Raipur, Distt. Raipur, Chhattisgarh.

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

1 - State Of Chhattisgarh Through Secretary, Revenue And Disaster Management And Rehabilitation Department, S-3-31, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, Chhattisgarh.

2 - Additional Collector Raipur, Distt. Raipur, Chhattisgarh.

3 - The Tahsildar, Raipur, Distt. Raipur, Chhattisgarh.

4 - Superintendent Of Police Raipur, Distt. Raipur, Chhattisgarh.

5 - Station House Officer Police Station Vidhan Sabha, Raipur, Chhattisgarh.



6 - Rajendra Singh Chawla S/o Late Diwan Singh Chawla R/o Ashoka
Tower Raipur, Distt. Raipur, Chhattisgarh.

... Respondent(s)

For Petitioner(s)	:	Mr. Akash Kundu, Advocate.
For Respondent(s)/State	:	Mr. S. S. Choubey, G.A.
For Respondent No. 6	:	Mr. Kshitij Sharma, Advocate.

Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

10/07/2026

1. By way of this petition, the petitioners have prayed for following reliefs:-

"10.1) The Hon'ble Court may kindly be pleased to issue appropriate writ/order/ direction of appropriate nature directing the Respondent authorities to produce all the records pertaining to the petitioner's case.

10.2) The Hon'ble Court may kindly be pleased to issue an appropriate writ, order or direction quashing and setting aside the eviction notice dated 07.07.2026 (ANNEXURE P-1).

10.3) The Hon'ble Court may kindly be pleased to issue an appropriate writ, order or direction quashing and setting aside the appellate order dated 25.06.2026 (ANNEXURE P-2) passed by the learned Sub-Divisional Officer.

10.4) The Hon'ble Court may kindly be pleased to issue



an appropriate writ, order or direction staying the operation and execution of the appellate order dated 25.06.2026 and the eviction notice dated 07.07.2026 during the pendency of the present writ petition.

10.5) The Hon'ble Court may kindly be pleased to issue writ/order/ direction of appropriate nature directing the Respondents not to dispossess the Petitioners from the subject property or interfere with their peaceful possession until the Petitioners' statutory second appeal pending before the learned."

2. Learned counsel appearing for the petitioner submits that an eviction notice dated 07.07.2026, pertaining to the removal of the alleged encroachment, was served upon the petitioner on 08.07.2026. He submits that the proceedings arise out of a revenue case instituted on 25.06.2026, wherein the concerned Sub-Divisional Officer has passed an order adverse to the interest of the petitioner under Section 44(1) of the Chhattisgarh Land Revenue Code, 1959 (for short, "the CGLRC"). It is further submitted that, upon obtaining a certified copy of the said order on 09.07.2026, the petitioner immediately preferred an appeal under Section 44(2) of the CGLRC before the concerned Collector, Raipur, along with an application under Section 52(2) of the CGLRC seeking grant of interim stay. Learned counsel further submits that, despite the aforesaid appeal as well as the application for grant of stay being pending consideration before



the concerned Collector, the revenue authorities are proceeding to give effect to the eviction notice dated 07.07.2026 and to remove the alleged encroachment. According to him, the issuance and proposed execution of the eviction notice, notwithstanding the pendency of the statutory appeal and the stay application, would render the appellate remedy availed by the petitioner nugatory and cause serious prejudice to him. He further submits that the revenue authorities are presently at the land in question and are taking steps for removal of the alleged encroachment. It is in these emergent circumstances that a prayer was made for urgent listing of the present petition, pursuant to which the matter has been taken up for consideration. Learned counsel, therefore, prays that appropriate interim protection may be extended to the petitioner till the application for grant of stay pending before the concerned Collector is considered and decided.

3. Per contra, learned counsel appearing for respondent No. 6, on advance copy, vehemently opposes the submissions advanced on behalf of the petitioner. He submits that the land belonging to respondent No. 6 has been illegally occupied and encroached upon by the petitioner. On account of such illegal occupation, respondent No. 6 was constrained to initiate appropriate proceedings under Section 250 of the CGLRC. In the said proceedings, both the concerned Tahsildar as well as the concerned Sub-Divisional Officer have passed orders in favour of respondent No. 6. Learned counsel further submits that the



petitioner has, time and again, approached the revenue authorities as well as this Court and has obtained interim orders, as a consequence whereof respondent No. 6 has been deprived of the fruits of the orders passed in his favour by the competent revenue authorities. He contends that the petitioner is merely attempting to prolong the proceedings and obstruct the implementation of the lawful orders passed in favour of respondent No. 6. He, therefore, submits that no case for interference or grant of any interim protection is made out and that the present petition does not deserve to be entertained.

4. Learned counsel appearing for the State, also on advance copy, submits that there is no dispute with regard to the fact that orders have been passed in favour of respondent No. 6 by the concerned Tahsildar as well as by the concerned Sub-Divisional Officer. He further submits that the petitioner has preferred the statutory appeal before the concerned Collector on 09.07.2026, i.e., only a day prior to the present proceedings, and the said appeal, along with the application for grant of stay, is presently pending consideration before the competent appellate authority.
5. Heard learned counsel appearing for the parties and perused the material available on record with due care. This Court has also perused the eviction notice dated 07.07.2026. From the material placed on record, it appears that the petitioner has already availed the statutory appellate remedy by preferring an appeal under Section 44(2) of the CGLRC before the concerned Collector and



has also filed an application under Section 52(2) of the CGLRC seeking interim protection. The said application is yet to be considered and decided by the competent appellate authority.

6. Considering the peculiar facts and circumstances of the case, particularly the fact that steps are stated to have been initiated for execution of the eviction notice while the petitioner's application for grant of stay is pending consideration before the appellate authority, this Court is of the considered view that limited interim protection deserves to be extended to the petitioner till the competent appellate authority considers and decides the application for stay. In the absence of such limited protection, the petitioner may suffer prejudice and the statutory remedy of appeal, together with the pending application for interim relief, may be rendered ineffective before the same is taken up for consideration.
6. In view of the aforesaid facts and circumstances of the case and purely as an interim measure, the effect and operation of the eviction notice dated 07.07.2026 shall remain stayed till the petitioner's application for grant of stay is considered and decided by the concerned Collector.
7. Considering the fact that the statutory appeal, along with the application for grant of stay, is pending before the concerned Collector, the concerned Collector is directed to take up the petitioner's application filed under Section 52(2) of the CGLRC for consideration, after affording due and reasonable opportunity of



hearing to respondent No. 6 herein as well as to all other concerned parties, and to pass an appropriate order thereon strictly in accordance with law. It is further directed that the concerned Collector shall take up, hear and decide the petitioner's application for grant of stay on the next date already fixed in the pending appellate proceedings, i.e., 29.07.2026. The interim protection granted by this Court hereinabove shall remain operative only till the decision of the said stay application by the concerned Collector, whereafter the parties shall be governed by the order passed by the appellate authority on the application for grant of stay.

7. It is made clear that this Court has neither entered into nor expressed any opinion on the merits of the controversy involved in the present case. The observations made hereinabove are confined solely to the consideration of grant of limited interim protection in view of the pendency of the statutory appeal and the application for stay before the competent appellate authority.
8. The concerned Collector, being the appellate authority, shall consider and decide the application for grant of stay independently, strictly in accordance with law and on its own merits, after affording due opportunity of hearing to all the parties concerned. The appellate authority shall not be influenced by any observation made in this order, as this Court has not expressed any opinion either in favour of the petitioner or in favour of respondent No. 6 on the merits of their respective claims and



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contentions.

9. With the aforesaid direction, the writ petition is **disposed of**.

Sd/-

(Amitendra Kishore Prasad)

Judge

Raghu Jat