

NIRMALA
RAO



2026:CGHC:9507

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 4277 of 2019

1 - State Of Chhattisgarh Through The Collector District Kabirdham Chhattisgarh,
District : Kawardha (Kabirdham), Chhattisgarh

... **Petitioner(s)**

versus

1 - Thakur Vishwaraj Singh (Dead)

Through Legal Heirs:

1. Smt. Shashi Prabha Devi, Wd/o. Late Thakur Vishwaraj Singh,
2. Shri Yogeshwar Raj Singh, S/o Thakur Vishwaraj Singh, Both R/o Motimahal Kawardha, District Kabirdham, C.G.
3. Smt. Manjri Devi, W/o. Rudradev Singh, D/o. Thakur Vishwaraj Singh, R/o. Teekamgarh, M.P.
4. Smt. Tawarika Devi @ Vasudhara Devi, W/o. Sanjay Singh D/o. Thakur Vishwaraj Singh, R/o. Bisau Palace, Hotel Chandpol Gate, Jaipur, Rajasthan.

... **Respondent(s)**

For Petitioner/ State	:	Shri Anil S. Pandey, Advocate.
For Respondent No.1	:	Shri Ashish Shrivastava, Sr. Advocate alongwith Shri Ashutosh Shrivastava, Advocate.
For Respondents No.3 & 4	:	Shri Deepak Diwaker, Advocate.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

24.02.2026

1. The petitioner/ State has filed this petition seeking the following reliefs:
 - “(1) To kindly quash the impugned order dated 17/10/2018 passed by the Board of Revenue (Annexure P-1).
 - (2) To kindly quash the impugned order dated 06/03/2007 passed by the Board of Revenue (Annexure P-2).
 - (3) To allow this petition and permit the Revenue Officer to proceed U/s 248 of Chhattisgarh Land Revenue Code and remove the encroachment against the respondent no. 1 in the interests of justice.
 - (4) To pass any other suitable writ/order/direction which this Hon'ble Court deems fit in the facts & circumstances of the present case to meet the interests of justice.”

2. The facts, in brief, are that one Yashwant Rao made a complaint before the Collector to the effect that respondent No.1 started construction of a complex over the government land bearing Survey No.596 (old number) and 597 (new number), admeasuring 6478 sq. mt. situated at Street 12, Plot No.30, Municipal Area Kawardha. The Collector took cognizance and initiated proceedings against respondent No.1 and vide order dated 5.1.2004 directed the parties to maintain status-quo. An application was moved by respondent No.1 on 5.2.2004 before the Collector to vacate the stay order dated 5.1.2004 and the said application was rejected vide order dated 5.2.2004. Thereafter, respondent No.1 preferred a revision before the Board of Revenue, which was allowed vide order dated 6.3.2007, wherein it was held that no opportunity of hearing was provided by the Collector to respondent No.1. The petitioner/ State filed a review petition before the Board of Revenue seeking recall of the order dated 6.3.2007 but the said review petition was dismissed. The State has challenged the order dated 6.3.2007 and subsequent order dated 17.10.2018 passed by the Board

of Revenue.

3. Learned counsel for the petitioner/ State would submit that respondent No.1 has encroached over the nazul land bearing Survey No.597 and part of Survey No.596 admeasuring 0.10 acres. He would submit that sufficient opportunity of hearing was afforded by the Collector and thereafter, an interim order was granted in favour of respondent No.2. He would contend that the Board of Revenue committed an error of law in allowing the revision preferred by respondent No.1 and in dismissing the review petition. He would submit that if opportunity of hearing was not afforded by the Collector while passing the orders dated 5.1.2004 and 5.2.2004, the Board of Revenue ought to have remitted back the matter to the Collector to decide it afresh after affording due opportunity of hearing to the interested parties. He would pray to quash both the orders passed by the Board of Revenue.
4. Learned Senior Advocate would submit that the issue involved in the present matter had already been resolved by the Collector vide order dated 28.2.2000, which was affirmed by the Commissioner vide its order dated 31.8.2001 and subsequently, it was affirmed by the State Government vide order dated 3.6.2002. He would contend that the proceedings were initiated before the Collector, Kawardha on instance of Sri Yedunath Goshala Samiti wherein allegations against respondent No.1 were almost similar to those involved in the present petition. He would contend that the order passed by the Collector affirmed by the Commissioner and the State Government attained finality as the order passed by the State Government has never been challenged by Sri Yedunath Goshala Samiti or by any other party before any superior forum. He would contend that these documents were placed on record

before the Collector but those documents were not considered while passing the interim order in favour of respondent No.2. It is also argued that no opportunity of hearing was afforded by the Collector while passing the order dated 5.1.2004. He would submit that the Board of Revenue rightly allowed the revision preferred by respondent No.1 and dismissed the review petition, as there was no illegality apparent on the face of the record. He would submit that the petition deserves to be dismissed.

5. Learned counsel for respondents No.3 & 4 would support the order passed by the Board of Revenue.
6. I have heard learned counsel for the parties and perused the documents present on record.
7. Admittedly, upon the complaint of respondent No.2, proceedings were initiated by the Collector against respondent No.1 and an interim order was passed in favour of respondent No.2 on 5.1.2004. An application was moved by respondent No.1 to vacate the said order, which was rejected by the Collector vide order dated 5.2.2004. The Board of Revenue set aside both the orders only on the ground that sufficient opportunity was not afforded to respondent No.1 by the Collector while passing the order dated 5.1.2004. It is also observed that the Collector failed to consider the earlier orders dated 28.2.2000 (Collector), 31.8.2001 (Commissioner) and 3.6.2002 (State Government). When the Board of Revenue recorded a specific finding that the Collector failed to afford proper opportunity of hearing to respondent No.1 and failed to consider the earlier orders, the matter should have been remitted back to the Collector to decide it afresh after affording due opportunity of hearing.

8. The orders passed by the Board of Revenue dated 6.3.2007 & 17.10.2018 are affirmed with stipulation that the concerned Collector shall reexamine the matter after affording due opportunity of hearing to the interested parties including respondent No.1 and the State and shall provide sufficient opportunity to place documents and oral evidence on record, if so advised.
9. As complaint was made before the Collector in the year 2004 and interim order was passed on 5.1.2004, it is directed that the concerned authority shall make all endeavours to conclude the proceedings, preferably, within a period of six months. It is informed that respondent No.1 is still in possession of the subject property, therefore, no coercive action shall be taken against respondent No.1 for a period of six months or till the matter is decided by the Collector.
10. The record of the trial Court be sent back forthwith.

Sd/-

(Rakesh Mohan Pandey)
Judge