



2026:CGHC:15347



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPC No. 4383 of 2021**

1 - Vijay Patel S/o Lt. Vasudeo Aged About 55 Years R/o Village Basdei, Police Station Surajpur, District Surajpur, Chhattisgarh, District : Surajpur, Chhattisgarh.

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

1 - The State Of Chhattisgarh Through Secretary, The Revenue Department, Mahanadi Bhawan, Mantralaya Atal Nagar, New Raipur, District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh.

2 - The Collector Surajpur, District Surajpur, Chhattisgarh, District : Surajpur, Chhattisgarh.

3 - The Sub Divisional Officer, Surajpur, District Surajpur, Chhattisgarh, District : Surajpur, Chhattisgarh.

4 - The Tehsildar, Tehsil Surajpur, District Surajpur, Chhattisgarh, District : Surajpur, Chhattisgarh.

5 - The Sarpanch, Gram Panchayat Basdei, Tehsil Surajpur, District Surajpur, Chhattisgarh, District : Surajpur, Chhattisgarh.

... Respondent(s)



For Petitioner(s)	:	Mr. Sushil Dubey, Advocate.
For Respondent(s)/State	:	Mr. Ujjawal Choubey, Panel Lawyer.
For Respondent No. 5	:	Mr. Ajeet Kumar Yadav, Advocate.

Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

02/04/2026

1. By way of this petition, the petitioner has prayed for following reliefs:-

"10.1 It is therefore prayed that, this Hon'ble Court may kindly be pleased to call for the entire records of the instant case.

10.2 That, this Hon'ble Court may kindly be pleased to issue a writ in nature of mandamus whereby to set aside/quash the impugned notice dated 31.05.2021 issued by the Respondent No. 5 Sarpanch Gram Panchayat Basdei (Annexure P/1).

10.3 That, this Hon'ble Court may kindly be pleased to issue a writ in nature of mandamus whereby to direct the Respondent No. 3 the Collector Surajpur to grant the patta to the petitioner, of the land bearing khasra No. 2376 which is registered as a government land in revenue record and situated in village Basdei, Janpad Panchayat Surajpur upon which the house of the petitioner is situated.



10.4 Any other relief/reliefs, which this Hon'ble Court may think fit and proper in the facts and circumstances of the case, with cost of the petition, may also please be granted to the petitioners.”

2. Brief facts of the case, is that, the petitioner is a landless villager of Village Basdei, having no agricultural land of his own, and is presently residing with his family in a kachcha house constructed over land bearing Khasra No. 2376, admeasuring 6.69 hectares, which is recorded as government land in the revenue records and situated in Village Basdei, Janpad Panchayat Surajpur, and the petitioner has been in continuous possession and residence over the said land for the past 15 years that owing to political enmity within Gram Panchayat Basdei, the concerned respondent issued an impugned notice dated 31.05.2021 directing the petitioner to remove his possession from the aforesaid land by 03.06.2021, failing which he would be forcibly evicted, that the Ex-Sarpanch of Gram Panchayat Basdei has issued a certificate affirming that the petitioner is a resident of Village Basdei, has no other land, and has been residing on the said government land along with his family for the last 15 years by constructing a kachcha house. The petitioner has also submitted his electricity bill as proof of residence, that the petitioner has made several representations to the concerned authorities seeking grant of patta over the said land, and upon receipt of the impugned notice, he submitted a representation dated 10.10.2021 to the respondent Tehsildar



requesting that he should not be dispossessed from his dwelling house. The petitioner has further submitted a representation before the respondent Collector praying that he may not be evicted and that his case be considered for grant of patta in light of the prevailing government policy for regularization of possession of landless persons who have constructed houses on government land, as he has been residing on the said land with his family for the last 16 years and would otherwise suffer irreparable loss and that, in view of the aforesaid facts and circumstances, the petitioner's claim for grant of patta deserves due consideration, whereas the action of the Gram Panchayat in seeking to remove his kachcha house, coupled with the inaction of the respondent Collector in deciding his representations, is arbitrary, illegal and liable to be set aside. Hence, this petition.

3. Learned counsel for the petitioner submits that the petitioner has been in long-standing possession of the land in question, upon which he has constructed a mud house and has been residing there with his family for a considerable period; however, vide the impugned notice dated 31.05.2021, the Sarpanch and Secretary of Gram Panchayat Basdei, Surajpur, have directed the petitioner to vacate the said land on the ground that his occupation is unauthorized and amounts to encroachment liable to be removed. It is further submitted that the said authorities lack the jurisdiction to issue such a notice, as the power to initiate eviction proceedings vests exclusively with the competent Tehsildar, and



therefore, the impugned notice is without authority of law and deserves to be quashed. Learned counsel further contends that the petitioner has already submitted an application seeking settlement of the land and grant of patta (lease) in his favour, which is still pending consideration before the concerned authorities, and in these circumstances, the impugned notice is liable to be set aside, with a direction to the respondent authorities to consider and decide the petitioner's claim for grant of patta in accordance with law.

4. Learned counsel for respondent No. 5 submits that under the provisions of the Panchayat Raj Adhiniyam, there exists a specific statutory framework empowering the Gram Panchayat to issue notices in respect of unauthorized occupation or encroachment upon government land, and in exercise of such authority, the impugned notice has been issued. It is further submitted that the Sub-Divisional Officer (SDO) as well as the Tehsildar have duly directed the Gram Panchayat to take necessary steps for removal of the encroachment made over the government land, and in compliance with such directions, the respondent authorities have proceeded to issue the notice to the petitioner for eviction, which action is in accordance with law and within the jurisdiction of the Gram Panchayat.
5. On the other hand, learned counsel for the State submits that the impugned notice has been duly and lawfully issued in accordance with the applicable statutory provisions, and that any unauthorized



encroachment upon government land cannot be permitted to continue; it is further contended that whenever such encroachment is detected, the competent authorities are under a legal obligation to take appropriate steps for its removal, and therefore, the action initiated against the petitioner is justified, proper, and in consonance with law.

6. I have heard learned counsel for the parties and perused the material available on record.
7. From a bare perusal of the record, it appears that a notice for eviction has been issued, which has been challenged before this Court, and this Court, vide order dated 29.10.2021, has directed the parties to maintain status quo; in compliance with the said order, the petitioner continues to remain in possession of the property in question as on date.
8. Considering the facts and circumstances of the case, and further taking into account that the petitioner has already submitted an application for settlement and grant of patta in respect of the land in question, this petition is disposed of with a direction to the concerned respondent authorities to consider and decide the petitioner's claim for grant of patta strictly in accordance with law; and it is further directed that, until such decision is taken, the respondent authorities shall refrain from taking any coercive action against the petitioner.
9. It is made clear that this Court has not expressed any opinion on the merits of the case, and the concerned respondent authorities



shall be at liberty to pass appropriate orders in accordance with law after affording due and reasonable opportunity of hearing to the petitioner; it is further directed that such decision shall be taken and a reasoned order be passed within a period of 90 days from the date of receipt of copy of this order.

10. With this observation and direction, the writ petition is disposed of.

Sd/-

(Amitendra Kishore Prasad)
Judge

Raghu Jat