



2026:CGHC:13570

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WP227 No. 890 of 2025

1 - Pusau Sahu S/o Manbodh Sahu Aged About 67 Years R/o Village-
Barbaspur, Tahsil- Nawagarh, District- Bemetara (C.G.)

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through Collector, District- Bemetara (C.G.)

2 - Sarpanch Village Panchayat Barbaspur Tahsil Nawagarh District-
Bemetara (C.G.)

3 - Gopala Sahu S/o Late Basawan Sahu Aged About 62 Years R/o Village-
Barbaspur, Tahsil- Nawagarh, District- Bemetara (C.G.)

4 - Hari Sahu S/o Late Basawan Sahu Aged About 62 Years R/o Village-
Barbaspur, Tahsil- Nawagarh, District- Bemetara (C.G.)

... Respondent(s)

For Petitioner(s)	: Mr. Aman Kesharwani, Advocate
For Respondent No.1	: Mr. Ghanshyam Kashyap, Deputy Govt. Advocate
For Respondent No. 3 & 4	: Mr. Bharat Sharma, Advocate

(Hon'ble Shri Justice Ravindra Kumar Agrawal, J.)

Order on Board

20/03/2026

1. Present is a writ petition filed by the petitioner under Article 227 of the Constitution of India claiming the following reliefs :-
 - i. To kindly call for the records of the case from the respondents.*
 - ii. To kindly quash the impugned order dated 16.06.2025 passed by the learned Board of Revenue in RN No.23/R/A-68/182/2025 (Annexure P/1) passed by the Commissioner, Durg Division, Durg (C.G.)*
 - iii. To kindly make any other order that may be deemed fit and just in the facts and circumstances of the case including awarding of the costs to the petitioner.*
2. Learned counsel for the petitioner would submit that on 01.08.2022 an order has been passed against him for dispossession of the 0.04 Hectare of land bearing Khasra No. 775, 601 and 602 by invoking the provisions of Section 248(2) of the Chhattisgarh Land Revenue Code, 1959. He would further submit that the land of his ownership was vested in submerge area of the dam, and since 1962, he is residing over the subject property after constructing his house. Yet the Tehsildar has passed the order of dispossession dated 01.08.2022 which has been challenged by him before the SDO (Revenue), Navagarh, District - Bemetara by filing his appeal. In the appeal filed by him before the SDO (Revenue), Navagarh, the respondent No.3 has filed an application for impleading him as a party/ non applicant in the appeal filed by the petitioner which was allowed by the SDO (Revenue) on 21.12.2022. The said order dated 21.12.2022 was challenged by the petitioner before the Collector, Bemetara by filing Revision which was allowed vide order dated 05.04.2023 and the order passed by the SDO (Revenue) allowing the application for impleading the respondent No. 3

as a party non applicant was set aside. The said order dated 05.04.2023 was further challenged by the respondent No. 3 & 4 before the Commissioner, Durg, Division – Durg. The said revision was allowed and the order passed by the Collector, Bemetara was set aside and that the order passed by the SDO (Revenue) was upheld. The order passed by the Commissioner, Durg was further challenged before the Board of Revenue and the same has also been dismissed vide order dated 16.06.2025 which is under challenge in the present writ petition. He would further submit that the respondent No.3 is not the necessary party in the proceedings pending before the SDO in the appeal filed by the petitioner as he was not the party before the Tehsildar. He he has no locus to be impleaded as a party/ non applicant as the applicant is the *dominus litis* of his litigation filed before the SDO. The respondent No.3 being the influential person, trying to influence the proceedings of the case for which he moved the application before the SDO and that has been allowed which shows the clear intention of influencing to the authorities concerned and since, he is having no right over the property, he cannot be made as a party/ non applicant, yet the SDO has directed him to be made as a party respondent and the order impugned passed by the Board of Revenue as well as well as the Commissioner and also by the SDO is liable to be set aside.

3. On the other hand, learned counsel appearing for the respondent No.3 would submit that the respondent No.3 was the complainant in the case before the Tehsildar and on his complaint, the proceeding under Section 248(1) was initiated by the Tehsildar which was decided on

01.08.2022 and the order of dispossession was passed against the petitioner. He would further submit that before the Tehsildar also he was being heard which reflected from paragraph 5 of the order passed by the Tehsildar dated 01.08.2022 and his statement was also recorded there. He would become a necessary party as his easementary right would be affected by the act of the petitioner and even if he would be heard before the learned Court below, no prejudice would be caused to other party and the authority concerned would pass its order based on the record available to them and also law applicable to it. The apprehension of the petitioner is totally misconceived that the respondent No. 3 may influence the authorities concerned, therefore, there is no merit in the writ petition and the same is liable to be dismissed.

4. I have heard learned counsel for the parties and perused the material annexed with the petition.
5. The merits of the case is not an issue in the present case and the subject matter revolves around the order dated 21.12.2022 passed by the SDO (Revenue), Navagarh by which the respondent No. 3 was ordered to be made as a party/ non applicant in the appeal filed by the petitioner before them. Since, the respondent No.3 was being heard before the Tehsildar and his statement was also recorded which reflected from para 5 of the order passed by the Tehsildar, it cannot be said that the respondent No.3 is having no right or interest over the property. He may or may not be having any right or interest over the property but the fact remains that he was being heard before the Tehsildar at the time when the order was passed on 01.08.2022.

Further, merely making the party/ non applicant in the proceeding does not affect the right of the petitioner to get the matter decided on merits by the SDO which shall pass its order in accordance with law based on the facts and circumstances of the case and the documents available before them. Therefore, I do not find any merits in the present writ petition as the consideration on merits is already pending before the SDO (Revenue), Navagarh, District - Bemetara (C.G.) who shall decide the issue, in accordance with law.

6. Accordingly, the writ petition fails and hereby dismissed.

Sd/-
(Ravindra Kumar Agrawal)
JUDGE