



2026:CGHC:19101

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**W.P(C) No.153 of 2025**

1 - Smt. Pramila Pandey Wd/o Late Ashwini Pandey Aged About 60 Years R/o Devnandan Nagar Phase-2 Bilaspur, Tehsil And District Bilaspur (C.G.)

2 - Apurva Pandey D/o Late Ashwini Pandey Aged About 30 Years R/o Devnandan Nagar Phase-2 Bilaspur, Tehsil And District Bilaspur (C.G.)

3 - Parag Pandey S/o Late Ashwini Pandey Aged About 30 Years R/o Devnandan Nagar Phase-2 Bilaspur, Tehsil And District Bilaspur (C.G.)

4 - Rameshwar Prasad Pandey S/o Kamla Prasad Pandey Aged About 50 Years, R/o Village Dhamni Chakrabhata Bilaspur (C.G.)

5 - Savita Pandey D/o Kamla Prasad Pandey Aged About 54 Years R/o Ahead Of Bagdai Mandir House No.8 Block No. K-2, I.H.S.D.P. S.E.C.L. Bilaspur District Bilaspur (C.G.)

6 - Vijaya Laxmi Mishra D/o Kamla Prasad Pandey Aged About 53

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Years R/o Ward No.34 Near Ganesh Mandir Railway Colony
Shahdol, District Shahdol (M.P.)

7 - Shrawan Pandey S/o Late Raghunandan Prasad Pandey Aged
About 70 Years R/o Vijayapuram Seepat Road Bilaspur Tehsil And
District Bilaspur (C.G.)

8 - Rajni Pandey W/o Late Praduman Pandey Aged About 50 Years
R/o Mata Choura House No.48, Old Bus Stand Sarkanda Tehsil
And District Bilaspur (C.G.)

9 - Smt. Akansha Pandey D/o Late Praduman Pandey Aged About
25 Years R/o Mata Choura House No.48, Old Bus Stand Sarkanda
Tehsil And District Bilaspur (C.G.)

10 - Adarsh Pandey S/o Praduman Pandey Aged About 28 Years
R/o Mata Choura House No.48, Old Bus Stand Sarkanda Tehsil
And District Bilaspur (C.G.)

... Petitioners

versus

1 - State Of Chhattisgarh Through- Secretary Department Of
Revenue And Disaster Management, Mantralaya New Raipur
District Raipur (C.G.)

2 - The Collector District- Bilaspur (C.G.)

3 - Tahsildar, Bodri District- Bilaspur (C.G.)

4 - Halka Patwari Halka No. 1, Bodri Bilaspur, District- Bilaspur
(C.G.)

5 - Ratnesh Jaiswal S/o Late Ramesh Kumar Jaiswal Aged About 52 Years R/o Mungeli Naka Bilaspur, Tehsil And District- Bilaspur (C.G.) **... Respondents**

For Petitioners : Shri Nishikant Sinha, Advocate.

For Respondents No.1 to: Shri RK Gupta, Addl. A.G..

4/State

For Respondent No.5 : Shri Shrawan Agrawal, Advocate.

Hon'ble Shri Justice Amitendra Kishore Prasad

Order on Board

25.04.2026

1. The present Writ Petition has been preferred assailing the legality and validity of the impugned proceedings bearing Revenue Case No.202411075700001/B-121/23-24 initiated by the Tahsildar, Bodri (Respondent No.3) at the instance of Respondent No.5, seeking recording of his alleged possession in Column No.12 of the *Khasra Panchshala* pertaining to Khasra Nos.377, 378 and 379 admeasuring total area 7.49 acres situated at Village Bodri, Tahsil Bodri, District Bilaspur (C.G.) with the following reliefs:-

“10.1 That, the respondents may kindly be directed by writ of mandamus to forthwith produce the entire records of Revenue Case no.202411075700001/B-121/23-24 pending before the Tahsildar Bodri/ Respondent no. 3, for the perusal before this Hon'ble Court.

10.2 That this Hon'ble Court may kindly be pleased to set aside the impugned complete proceedings of Revenue Case no.202411075700001/B-121/23-24 initiated by the Tahsildar Bodri/Respondent no. 3 on application filed by the respondent no. 5, in the larger interest of justice.

10.3 That, this Hon'ble Court may kindly be pleased to restrain the respondent authorities from mutating the name of the respondent no. 5 in column no. 12 of the Khasra Panshala of Khasra No. 377 Rakba 2.36 Acre, Khasra No. 378 Rakba 2.71 Acre, 379 Rakba 2.42 Acre Total Rakba 7.49 Acre situated at village Bodri P.H.N-1Tahsil Bodri District Bilaspur C.G.

10.4 Any other relief (s) that this Hon'ble Court may deem fit to grant in the interest of Justice.”

2. Brief facts of the case are that the land in question is admittedly recorded in the name of the Petitioners and the title stands affirmed by the competent Civil Court. Further, the dispute relating to the same property is sub judice before this Court, yet Respondent No.5, without instituting any suit for specific performance within the prescribed period of limitation, has sought recording of his alleged possession on the basis of an agreement to sale dated 11.05.2014, which lacks legal sanctity and the Tahsildar has entertained the same without jurisdiction, resulting in parallel proceedings and rendering the impugned action illegal and contrary to the provisions of the Chhattisgarh Land Revenue Code, 1959.

3. Learned Counsel for the Petitioners submits that the Petitioners have filed First Appeal bearing No.224/2015, which is pending consideration before this Court and the issue involved in the present Petition can be decided only after conclusion of the said First Appeal. He further submits that there is an agreement to sale in favour of Respondent No.5 on the basis of which, he is in

possession of the suit property and as such, he has filed an application before the concerned Tahsildar to record his possession in the revenue records.

4. Learned Counsel for Respondent No.5 submits that on the basis of agreement to sale dated 11.05.2014, Respondent No.5 was in possession of property in dispute and as such, he has rightly filed application for recording his possession in the revenue records, which was correctly entertained by the Tahsildar and therefore, the same is not required to be interfered with.

5. Learned Counsel for the State submits that an efficacious alternative remedy is available to the Petitioners and in any case, the aforesaid First Appeal is already pending consideration before this Court for adjudication of the controversy involved, therefore, no interference is warranted in the present Petition, at this stage.

6. Having heard learned Counsel for the parties and considering the facts and circumstances of the case, particularly that on the basis of an agreement to sale, an application has been moved for recording possession that too in the teeth of First Appeal No. 224/2015, which is pending before this Court and further considering that on the basis of such agreement to sale, possession cannot be recorded by any revenue authority and even if the Petitioners are in possession, they may secure their possession in accordance with law, the action of seeking recording

of possession in the revenue records on such basis is not sustainable, as the same cannot be recorded on the basis of such agreement to sale, especially when the said agreement to sale is not a registered document and cannot be treated in evidence, as held by the Hon'ble Supreme Court as well as by this Court in various judgments. Further, considering that the revenue authorities cannot pass any order directing recording of possession on the basis of such agreement to sale, it is also noted that the Petitioners have only challenged the proceedings initiated on the basis of the application filed by Respondent No. 5 for recording his possession in the revenue records and they have not sought any further relief, which is to be decided by the civil Court.

7. In view of the above, this Court does find that there appears ground to entertain the present Petition as the proceedings initiated by the Tahsildar are not in accordance with law. It is, however, made clear that on the basis of the said agreement to sale, possession cannot be recorded in the revenue records, as such, the parties may avail other remedies available to them under the law.

8. With the aforesaid observations/directions, the instant Petition stands **disposed of**.

Sd/-

(Amitendra Kishore Prasad)
Judge