



2026:CGHC:4047

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 108 of 2026

Basantlal @ Basant S/o Rajan Aged About 65 Years R/o Village Chandramedha, P.S. Bhaiyathan, P.O. Chandramedha, Tahsil Bhatgaon, District Surajpur Chhattisgarh

... Petitioner.

Versus

- 1. State Of Chhattisgarh Through Secretary Revenue And Disaster Department, Naya Raipur, District Raipur Chhattisgarh.
- 2. Office Of Custodian Of Enemy Property For India Through Joint Secretary/ Deputy Secretary, Home Ministry Of India, Kolkata Branch - 1, Counsel House Street, Kolkata, West Bengal 700001.
- 3. Home Ministry Of Government Of India Through Secretary Home Ministry, New Delhi 110001.
- 4. Joint Secretary Finance And Revenue Ministry Of Government Of India, New Delhi.
- 5. Collector-Cum-Official Vice Custodian Surajpur, District Surajpur Chhattisgarh.
- 6. Additional Collector Surajpur, District Surajpur Chhattisgarh.
- 7. Commissioner Surguja Division, Ambikapur, District Surguja, Chhattisgarh.
- 8. Sub-Divisional Officer (Revenue) Bhaiyathan, District Surajpur Chhattisgarh.
- 9. Tahsildar Bhatgaon District Surajpur Chhattisgarh.

... Respondents.

For Petitioner	:	Ms. Priyanka Mehta, Advocate.
For Res No.1, 5, 6, 7, 8 & 9	:	Mr. Sabyasachi Choubey, GA for the State
For Res No.2 to 4	:	Mr. Ramakant Mishra, DSGI assisted by Ms. Jyoti Singh & Shweta Rai, Advocates.

(Hon'ble Shri Justice Naresh Kumar Chandravanshi)

Order on Board

23/01/2026

1. This Writ Petition under Article 226 of the Constitution of India has been filed for the following reliefs:-

"1) That, this Hon'ble Court may kindly be issued a appropriate writ/writs, order/orders, direction/directions to respondent no. 2 to 4 to decide representation filed by the petitioner (Annex. P/1) within stipulation period.

2) That, this Hon'ble Court may kindly be issued a appropriate writ/writs, order/orders, direction/directions to res. no. 7 to decide Revenue Revision Case No. 2020-0996-0100-026/A-24/2019-20 (Annex. P/6) within stipulation period.

3) That, this Hon'ble Court may kindly be issued a appropriate writ/writs, order/orders, direction/directions the respondent no. 2 to not initiate proceeding of e-auction of land in question till deciding representation (Annex. P/1) and revision (Annex. P/5) filed by the petitioner.

4) That, this Hon'ble Court may kindly be directed respondent authorities not to dispossess the petitioner from land in question till deciding representation (Annex. P/2) and revision (Annex. P/5) filed by the petitioner.

5) That, this Hon'ble Court may kindly be pleased to grant any other relief, which it deems fit and proper."

2. Ms. Priyanka Mehta, learned counsel for the petitioner submits that the petitioner belongs to "Kanwar" Caste of the Scheduled Tribe category. He is in possession over the land bearing Khasra Nos.19, 257 & 258 admeasuring 0.36, 1.13 and 0.31 hectares, respectively, total 1.80 hectares situated at village Chandramedha, Tahsil Bhaiyathan, District

Surajpur (C.G.) {Old Khasra No. 21/2, 294, 295, 296, 298 & 300} (for brevity, "Subject Land"). The petitioner developed the subject land and cultivating the same. The land bearing Khasra No. 257, area 1.13 hectare has also been recorded in his name in the revenue records. The Naib Tahsildar, Bhatgaon, Tahsil Bhaiyathan, District Surajpur had issued notice under Section 248 of the Chhattisgarh Land Revenue Code, 1959 (henceforth, 'Code') pertaining to the land bearing Khasra No. 19 & 258, which also shows his possession over the said land. She further submits that according to the State Government, 47.71 acres and 17.55 acres lands situated at village Chandramedha, Tahsil Bhatgaon, District Surajpur was recorded in the name of Mohd. Jam and Ramjan Khan, respectively in revenue record, who have migrated to Pakistan leaving the land. Upon receiving complaint, Additional Collector, Surajpur conducted enquiry and vide order dated 16.6.2020 (Annexure P-4) directed to record 27.27 acres land in the name of Custodian Bhumi Prbandhak Collector in the revenue record holding therein that original owners namely, Mohd. Jam and Ramjan Khan have migrated to Pakistan leaving the land. The petitioner and other affected villagers challenged the order dated 16.6.2020 passed by Additional Collector by filing Revenue Revision Case No. 2020-0996-0100-026/A-74/2019-20. During pendency of aforesaid revision, Collector, District Surajpur again registered revenue case No. 202007260100011/B-121/2019-30 (Annexure P-3) and passed order dated 06.05.2025 to record the land in question of petitioner bearing Khasra No. 257 and other custodian land in the name of 'Custodian of Enemy Property for India' (CEPI) deleting name of petitioner from revenue record,

thereafter, said land has been recoded in the name of CEPI in revenue records. She further submits that, it was also mentioned in the said order that aggrieved party may file representation before respondent No. 3 within 30 days of passing the order under Section 18 of the Enemy Property Act, 1968 for redressal of their grievance. She further submits that aforesaid order has been passed without providing due opportunity of hearing and without conducting due enquiry. After having knowledge of said order, petitioner and other affected villagers filed representation (Annexure P-1) dated 15.09.2025 before respondent No. 4, which has also been received to him, despite that the same has not been decided yet, rather they are willing to sell the subject land and other lands through E-auction. Hence, at this stage, this petition may be disposed directing respondents No. 2 to 4/competent Authority to decide the representation/application (Annexure-P/1) filed by the petitioner & others in an expeditious manner.

3. Mr. Ramakant Mishra, DSGI learned counsel for respondents No.2 to 4 submits that representation / application filed by the petitioner & others shall be considered and decided in accordance with law at the earliest.
4. Heard learned counsel for the parties and perused the documents annexed with the petition.
5. Section 18 of the Enemy Property Act, 1968 deals with transfer of property vested as enemy property in certain cases. For the sake brevity provisions of Section 18 are reproduced hereunder:-

"18. Transfer of property vested as enemy property in certain cases.—The Central Government may, on receipt of a representation from a person, aggrieved by an order

vesting a property as enemy property in the Custodian within a period of thirty days from the date of receipt of such order or from the date of its publication in the Official Gazette, whichever is earlier and after giving a reasonable opportunity of being heard, if it is of the opinion that any enemy property vested in the Custodian under this Act and remaining with him was not an enemy property, it may by general or special order, direct the Custodian that such property vested as enemy property in the Custodian may be transferred to the person from whom such property was acquired and vested in the Custodian.]

18A. Income not liable to be returned.—Any income received in respect of the enemy property by the Custodian shall not, notwithstanding that such property had been transferred by way of sale under section 8A or section 18, as the case may be, to any other person, be returned or liable to be returned to such person or any other person.

18B. Exclusion of jurisdiction of civil courts.—Save as otherwise provided in this Act, no civil court or authority shall have jurisdiction to entertain any suit or proceedings in respect of any property, subject matter of this Act, as amended by the Enemy Property (Amendment and Validation) Act, 2017, or any action taken by the Central Government or the Custodian in this regard.

18C. Appeal to High Court.—Any person aggrieved by an order of the Central Government under section 18 of this Act, may, within a period of sixty days from the date of communication or receipt of the order, file an appeal to the High Court on any question of fact or law arising out of such orders, and upon such appeal the High Court

may, after hearing the parties, pass such orders thereon as it thinks proper:

Provided that the High Court may, if it is satisfied that the appellant was prevented by sufficient cause from filing an appeal within the said period, allow it to be filed within a further period not exceeding sixty days."

6. Having regard to the aforesaid provisions which deals with transfer of property vested as enemy property and further considering the fact that in instant case, subject land has already been declared as enemy property and it has been recorded in the name of custodian bhumi prabandhank, Collector, regarding which petitioner and other affected persons have already moved representation (Annexure P-1) dated 15.09.2025, therefore, keeping in view the limited prayer made by petitioner, this petition is disposed of directing respondents No.2 to 4/competent Authority to consider and decide representation (Annexure-P/1) dated 15.09.2025 filed by petitioner and other affected persons expeditiously as far as possible.
7. With the above direction, this petition stands disposed of.
8. Pending application(s), if any, also stands disposed of.

Sd/-

(Naresh Kumar Chandravanshi)
Judge