

**NAFR****HIGH COURT OF CHHATTISGARH AT BILASPUR****WPC No. 1541 of 2021**

1 - Smt. Hemlata Bansal W/o Jagdish Prasad Bansal, Aged About 62 Years R/o Bansal Apartment Sakti, Police Station And Tahsil Sakti, District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

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

1 - The State Of Chhattisgarh Through Secretary, Department Of Revenue, Mantralaya, Atal Nagar Raipur, Tahsil And District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

2 - Tahsildar Sakti, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

3 - Prem Pradhan, S/o Dinesh Kumar Pradhan, Aged About 50 Years R/o Village Sakti, Tahsil Sakti, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

... Respondents**(Cause-title taken from the Case Information System)**

For Petitioner :- Mr. Ratnesh Kumar Agrawal, Advocate

For State :- Mr. Ashutosh Shukla, P.L.

SB- Hon'ble Shri Justice Amitendra Kishore Prasad**Order On Board**



20.04.2026

1. By way of this petition, the petitioner has approached this Court being aggrieved by the inaction and arbitrariness on the part of respondent No. 2 in not executing the order dated 21.05.2020 passed in Revenue Case No. 75/B-121/2018-2019, whereby directions were issued for removal of encroachment and restoration of possession in favour of the petitioner.
2. The brief facts of the case are that the petitioner is the owner of land bearing Khasra No. 705/8 and 705/19 situated at Village Sakti, Tahsil Sakti, District Janjgir-Champa. It is the case of the petitioner that respondent No. 3 encroached upon a portion of the said land admeasuring 14 x 14 sq. ft. and constructed a tin shed thereon. The petitioner preferred an application before respondent No. 2 (Tahsildar), upon which Revenue Case No. 75/B-121/2018-2019 was registered. After due enquiry and consideration of the Patwari report dated 21.06.2019, respondent No. 2 passed an order dated 21.05.2020 directing removal of encroachment and restoration of possession to the petitioner. Despite issuance of notices for dispossession, the said order has not been executed till date, compelling the petitioner to file the present writ petition.
3. Following reliefs have been prayed by way of this petition:-

“10.1 That, this Hon'ble Court may kindly be pleased to call for entire records of the case, from the respondent authorities.



10.2 That, this Hon'ble Court may kindly be pleased to direct to the respondent no. 2 to takes action against the respondent no. 3 as per the Section 250-A of the Chhattisgarh Land Revenue Code and further be please to direct to the respondent no. 2 to restore the possession of the petitioner upon the encroach part, is in the interest of justice.

10.3 That, any other relief/order which may deem fit and just in the facts and circumstances of the case including award of the costs of the petition may be given.”

4. Learned counsel for the petitioner submits that despite a clear order passed under the provisions of the Chhattisgarh Land Revenue Code, the respondent authorities have failed to execute the same, which is arbitrary and illegal.
5. Per contra, learned State counsel submits that the private respondent has already preferred an appeal before the competent appellate authority (SDO) against the order dated 21.05.2020. It is further submitted that since the appeal is pending, the petitioner may avail appropriate remedy before the said appellate authority.
6. I have heard learned counsel for the parties and perused the material available on record.
7. It is not in dispute that an order dated 21.05.2020 has been passed by the Tahsildar directing removal of encroachment. It is also not in dispute that the said order is subject matter of an



appeal before the competent appellate authority. In view of the pendency of the appeal, this Court is not inclined to enter into the merits of the matter at this stage.

8. However, considering the grievance of the petitioner regarding delay and also the contention that the appeal may be barred by limitation, it would be appropriate to grant liberty to the petitioner to raise all such grounds before the appellate authority.
9. Accordingly, the present writ petition is **disposed of**. The petitioner is granted liberty to approach the appellate authority (SDO) in the pending appeal and file appropriate application(s), including on the question of limitation as well as on merits. The appellate authority is directed to consider and decide such application(s) strictly in accordance with law, after affording due opportunity of hearing to all concerned parties. The appellate authority shall make an endeavour to decide the appeal expeditiously, preferably within a period of **60 days** from the date of receipt of a certified copy of this order.
10. It is made clear that this Court has not expressed any opinion on the merits of the case.

sd/-

**(Amitendra Kishore Prasad)
Judge**