



2026:CGHC:14958



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 1371 of 2026

1 - Ashok Upadhyay S/o Late Nanku Upadhyay Aged About 48 Years (Ex-Serviceman) R/o Ranpurkhurd, Benipurpara (Takiya Para), Ambikapur District-Surguja (C.G.)

... Petitioner

versus

1 - State Of Chhattisgarh Through Secretary, Forest Department Aranya Bhawan, Jail Road, Raipur (C.G.)

2 - Divisional Forest Officer Surguja Forest Division Ambikapur, District- Surguja, (C.G.)

3 - Range Forest Officer Ambikapur District- Surguja, (C.G.)

4 - Collector Surguja District- Surguja (C.G.)

... Respondents

(Cause title taken from Case Information System)

For Petitioner	:	Mr. Aditya Bhardwaj, Advocate
For State/Respondents	:	Mr. Sabyasachi Choubey, Govt. Adv.

(Hon'ble Shri Justice Naresh Kumar Chandravanshi)

Order on Board

01/04/2026

1. This petition has been preferred by petitioner under Article 226 of the Constitution of India seeking following reliefs:-

"1. That, the Hon'ble Court may quash and set aside



the impugned eviction notice dated 12.03.2026 (Annexure P/1) issued by the Respondent.

II. That, the Hon'ble Court may issue a writ directing the Respondent No. 2 (DFO) and Respondent No. 4 (Collector) to duly consider and adjudicate upon the Petitioner's pending applications for the grant of Forest Rights Patta, within a stipulated time frame, after providing a fair opportunity of hearing to the Petitioner.

III. That, the Hon'ble Court may issue a writ directing the Respondents to refrain from interfering with the peaceful possession of the Petitioner over the subject land and house situated at Village Ranpurkhurd, RF No. 2581, except in accordance with the due process of law and after the final adjudication of the Petitioner's forest rights claims.

IV. Pass any other order(s) as this Hon'ble Court may deem fit and proper in the interest of justice.”

2. Learned counsel for the petitioner submits that the petitioner is the son of late Nanku Upadhyay, who was an ex-serviceman. He further submits that late Nanku Upadhyay was in possession of approximately 0.010 hectares of land situated at Ranpurkhurd, Tahsil Ambikapur, District Surguja (CG). The aforesaid land is a part of Compartment (RF No.2581). It is further submitted that the petitioner's family, since the lifetime of his father, had constructed a dwelling house on the said land about 50 years ago. After the death of the petitioner's father, the petitioner has been residing there along with his mother, who is about 90 years of age. Thus, they are entitled to the grant of Forest Rights Certificate in respect of the said land. However, a notice dated 12.03.2026 (Annexure P-1) has been issued by the Divisional Forest Officer (DFO), Surguja Forest Division, Ambikapur (Respondent No.2), directing them to vacate the aforesaid land. He next submits that the petitioner had filed an application on 15.05.2017 in a Shivar for grant of patta, for which receipt (Annexure P-4) was issued. Subsequently, the



petitioner's mother, namely Kamla Devi, also filed an application in Jan Chaupal before the Collector, Surguja, for which Token No.2020323000012 and Security No.872 were issued on 10.01.2023. Despite that, the applications filed by the petitioner and his mother have not yet been decided. Lastly, learned counsel submits that the petitioner is ready to file a fresh application before the respondent No.4/Collector, Surguja for grant of Forest Rights Certificate in respect of the said land. Hence, it is prayed that the present writ petition may be disposed of with a direction to respondent No.4/ the Collector, Surguja to decide the earlier applications filed by the petitioner and his mother, along with the fresh application to be filed by the petitioner, within a stipulated period. It is further prayed that, till then, interim protection be granted to the petitioner in respect of the notice dated 12.03.2026 (Annexure P-1) issued by Respondent No.2.

3. In reply, learned counsel for the State/respondents submits that, if the petitioner files a fresh application, the same shall be decided by respondent No.4/the competent authority in accordance with law.
4. Heard learned counsel for the parties and perused the material available on record.
5. As per the contention of the petitioner, they have been in possession of the said land since the lifetime of his father, i.e., for about 50 years from today. The petitioner has also filed various applications before the Collector and the Divisional Forest Officer, Surguja Forest Division, Ambikapur for grant of patta, but the same have not been decided yet.
6. Having considered the limited prayer made by learned counsel for the petitioner, the present writ petition is disposed of at this stage by granting liberty to the petitioner to file a fresh appropriate application



before the competent authority / the Collector, Surguja within a period of **01 month** from today for grant of Forest Rights Certificate in respect of the said land under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, along with all necessary documents. In the event of filing of such application by the petitioner before the competent authority/ the Collector, the competent authority / the Collector, Ambikapur, District Surguja is directed to decide the same expeditiously, preferably within a further period of **60 days** from the date of filing of the application along with a copy of this order. Till then, no coercive steps shall be taken against the petitioner in respect of the notice dated 12.03.2026 (Annexure -P/1) issued by respondent No.2.

7. It is further observed that, if the petitioner / his mother fails to file such application within the stipulated period, the interim protection granted in favour of the petitioner shall lose its efficacy.
8. With the aforesaid observations and directions, the present writ petition stands **disposed of**.
9. Pending interlocutory application(s), if any, also stands disposed of. No order as to cost(s).

Sd/-
(Naresh Kumar Chandravanshi)
Judge