



2026:CGHC:13666



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 1263 of 2026

1 - (Died) Itwari Through Lrs.

1.1 - Purain Bai W/o Late Rajbhan Aged About 76 Years R/o Gram Dhanora, Tahsil And District- Durg (C.G.)

1.2 - Dashrath S/o Late Itwari Ram Aged About 72 Years R/o Gram Dhanora, Tahsil And District- Durg (C.G.)

2 - (Died) Shri Keshav Ram Through Lrs.

2.1 - (Died) Jhariyasin Bai Through Lrs.

2.1.1 - Santkumar Sahu S/o Late Keshavram Aged About 55 Years R/o Gram Dhanora, Tahsil And District- Durg (C.G.)

2.1.2 - Rajendra Kumar Sahu S/o Late Keshavram Aged About 53 Years R/o Gram Dhanora, Tahsil And District- Durg (C.G.)

3 - (Died) Shri Ram Through Lrs.

3.1 - Bhagwantin S/o Late Shri Ram Aged About 55 Years R/o Gram Dhanora, Tahsil And District- Durg (C.G.)

4 - (Died) Rampyare Through Lrs.

4.1 - Baratu S/o Late Hazari Yadav Aged About 61 Years R/o Gram Dhanora, Tahsil And District- Durg (C.G.)

4.2 - Chaitram S/o Late Hazari Yadav Aged About 75 Years R/o Gram Dhanora, Tahsil And District- Durg (C.G.)

4.3 - Sukhdev S/o Late Hazari Yadav Aged About 57 Years R/o Gram Dhanora, Tahsil And District- Durg (C.G.)

5 - (Died) Shri Baliram Through Lrs.

5.1 - Jayetrisen W/o Late Ramswarup Aged About 63 Years R/o Gram Dhanora, Tahsil And District- Durg (C.G.)

5.2 - Malti S/o Late Anand Yadav Aged About 60 Years R/o Gram Dhanora, Tahsil And District- Durg (C.G.)



6 - (Died) Shri Bagas Through Lrs.

6.1 - Krishna S/o Late Bagas Yadav Aged About 50 Years R/o Gram Dhanora, Tahsil And District- Durg (C.G.)

7 - (Died) Shri Mansingh Through Lrs.

7.1 - Narottam S/o Late Gopal Aged About 55 Years R/o Gram Dhanora, Tahsil And District- Durg (C.G.)

7.2 - Kunti Sahu W/o Devi Prasad Sahu Aged About 52 Years R/o Gram Dhanora, Tahsil And District- Durg (C.G.)

8 - (Died) Shri Baisakhu Ram Through Lrs. Nil

8.1 - Jayantin W/o Late Kartik Aged About 52 Years R/o Gram Dhanora, Tahsil And District- Durg (C.G.)

... Petitioners

versus

1 - State Of Chhattisgarh Through The Secretary Department Of Land Revenue, Mantralaya, Naya Raipur, District- Raipur (C.G.)

2 - Commissioner Durg Division, District- Durg (C.G.)

3 - District Collector Durg, District- Durg (C.G.)

4 - Sub-Divisional Officer (Revenue) Durg, District- Durg (C.G.)

5 - Tahsildar Durg, Tahsil- Durg, District- Durg (C.G.)

6 - Naib Tahsildar Durg, Tahsil- Durg, District- Durg (C.G.)

7 - Chhattisgarh House Board Division Durg, Through Its Executive Engineer, Office Situated At - Behind Lic Office, Near Tripti Restaurant, Padmanabhpur, Durg (C.G.)

... Respondents

(Cause title taken from CIS system)

For Petitioners	:	Mr. Anand Shukla, Advocate
For Respondents 1 to 6/State	:	Mr. Shobhit Mishra, Dy. Govt. Advocate
For Respondent No.7	:	Mr. Pranjal Agrawal, Advocate

(Hon'ble Shri Justice Naresh Kumar Chandravanshi)

Order on Board

23.03.2026

1. With the consent of learned counsel for the parties, the matter is heard finally.

2. The petitioners have preferred this petition under Article 226 of the Constitution of India, challenging Order dated 15.01.2026 (Annexure – P/1),



passed by the Commissioner, Division Durg, Durg (CG), whereby the application filed by the petitioners seeking stay of the effect and operation of the order dated 01.12.2025 (Annexure-P/5) passed by Collector, Distt. Durg in Revenue Case No.202209101400183/B-121/2021-22, has been rejected.

3. Learned counsel for the petitioners submits that the petitioners are poor villagers, whose ancestors were allotted cultivable agricultural land at village Dhanora, Distt. Durg for their livelihood. *Patta* were granted in their favour in the year 1976-77, as per the description mentioned in 8.2 of the petition and their names were duly recorded in the revenue record. It is further submitted that ever since the grant of *Patta*, the petitioners/their ancestors have been in continuous possession and cultivating the said land for more than 50 years. Learned counsel further submits that on account of application filed by the Chhattisgarh Housing Board, Durg for allotment of land bearing Khasra Nos.1035, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1096, 1097, 1098, 1099 and 1008, admeasuring a total area of 8.02 hectares, situated at Village Dhanora, Tahsil and Distt. Durg, for the purpose of developing 'Rajiv Nagar Awas', case has been registered by Collector bearing Revenue Case No.202204100900032/A-19(1)/2021-22. Learned counsel further submits that certain portion of the land sought to be allotted by the Chhattisgarh Housing Board, form the part of the land in possession of the petitioners, therefore, the petitioners raised their objection before the Collector, Durg in respect of aforesaid proceedings initiated at the instance of Chhattisgarh Housing Board, with a request that said land were recorded in the name of the ancestors of the petitioners at the relevant point of time, however, at present, same were not reflected in the present revenue record, whereas, the petitioners have been in possession of the said land for more than 50 years. Therefore, *Patta* be granted in their favour, however, the same



has been rejected by the Collector, Durg vide Order dated 01.12.2025.

Learned counsel further submits that aggrieved by that order, the petitioners preferred an appeal before the Commissioner, Durg Division, Durg by filing appeal bearing No.101/B-121/2025-26 (E-Court: 202601980100009), along with an application for staying the effect and operation of order passed by the Collector, but that application has been rejected vide impugned order dated 15.01.2026 (Annexure-P/1) by the Commissioner. Hence, it is prayed that order passed by the Commissioner dated 15.01.2026 may be set aside and effect and operation of order dated 01.12.2025 (Annexure-P/5) passed by the Collector, Durg in Revenue Case No.202209101400183/B-121/2021-22 be stayed till disposal of the appeal by the Commissioner.

4. Per contra, learned counsel for the State submits that the *Patta* granted in favour of the petitioners' ancestors was cancelled vide Order dated 09.5.1979 passed by the Sub Divisional Officer, Durg in Revenue Case No.1020/A-19/1978-79. Since then, the land has been recorded as 'grass land' in revenue records. It is further submitted that said order was never challenged and has attained finality. Hence, it is submitted that the Commissioner, Durg Division, Durg has not committed any error in rejecting the stay application of the petitioner.

5. Heard learned counsel for the parties and perused the material available on record.

6. Perusal of order dated 01.12.2025 (Annexure-P/5) passed by the Collector, Durg shows that the *Patta* was initially granted in form "E" in favour of the ancestors of the petitioners in respect of said parcel of land in Revenue Case No.399/A-74/1975-76 vide Order dated 24.4.1976 between 1976-77 to 1986-87. The order further disclosed that, said *Patta* was cancelled vide Order dated 09.5.1979 passed by Sub Divisional Officer, Durg in Revenue



Case No.1020/A-19/1978-79 and said land has been recorded as 'grass land' in revenue records. The Collector has not observed anything in the order dated 01.12.2025 as to how *Patta* granted in favour of the ancestors of the petitioners, was cancelled and whether it was cancelled after providing due opportunity of hearing to them in accordance with law and further what was the justification for cancellation of *Patta* granted in favour of the ancestors of the petitioners. It appears that the Collector has passed order dated 01.12.2025, without proper consideration of the original record of Revenue Case No.1020/A-19/1978-79.

7. Further, if the petitioners are landless persons and have been in long possession, then the issue ought to have been considered by the Collector, taking liberal view, but he has rejected the application of the petitioners out rightly. The Commissioner, Durg Division has also failed to consider the aforesaid aspects and rejected the said application filed by the petitioner by passing a non-speaking impugned order, which cannot be sustained.

8. In view of the above discussion, the petition deserves to be and is hereby allowed. The impugned Order dated 15.01.2026 (Annexure-P/1) passed by the Commissioner, Durg Division, Durg in Appeal No.101/B-121/2025-26 (E-Court: 202601980100009) is set aside to the extent it rejects the application for grant of interim stay.

9. Consequently, effect and operation of Order dated 01.12.2025 (Annexure-P/5) passed by the Collector, Durg in Revenue Case No.202209101400183/B-121/2021-22 shall remain stayed till final disposal of appeal bearing No.101/B-121/2025-26 (E-Court: 202601980100009) pending before Commissioner, Durg Division, Durg.

10. It is further directed that the Commissioner, Durg Division, Durg shall decide the appeal expeditiously, preferably within a period of 90 days from



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the date of receipt/submission of a copy of this order, after affording due opportunity of hearing to all the parties. However, it is made clear that this Court has not expressed any opinion on merits of the case.

11. Accordingly, this petition stands allowed.
12. Pending interlocutory application(s), if any, stands disposed of.

Sd/-

(Naresh Kumar Chandravanshi)

Judge