



2026:CGHC:20620

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 1982 of 2026**

1 - Smt. Neelam @ Rekha Yadav W/o Late Sanju Yadav Aged About 35 Years R/o Beside Mahesh Kirana Store, Vijai Nagar Ward No. 12, Mohan Nagar, West, Tehsil And District- Durg (C.G.).

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

1 - Babulal Yadav S/o Late Vishnu Yadav Aged About 72 Years R/o Beside Mahesh Kirana Store, Vijai Nagar Ward No. 12, Mohan Nagar, West, Tehsil And District- Durg (C.G.).

... Respondent(s)

For Petitioner(s)	:	Mr. R.k. Gomasta, Advocate.
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Hon'ble Mr. Justice Amitendra Kishore Prasad**Order on Board****04/05/2026**

1. By way of this petition, the petitioner has prayed for following reliefs:-

"10.1 That, this Hon'ble Court may kindly be pleased to call for the entire record pertaining to the petitioner's

case.

10.2 That, the Hon'ble Court may kindly be pleased to set-side the impugned order dated 02/03/2026(Annexure-P/1) passed by the collector Durg in the case no./202412100100001/04/B-121/2024-25 the interest on justice.

10.3 The, the Hon'ble Court may kindly be pleased to set-side the impugned order dated 26/04/2022 (Annexure-P/2) passed by the Sub Divisional Durg in the revenue case no. 202111100400171/A-74/2021-22 the interest on justice.

10.4 Any other relief which may be suitable in the facts and circumstances of the case may also be ground.”

2. Brief facts of the case, is that, the petitioner has challenged the order dated 02.03.2026 passed by the District Collector, Durg (C.G.), whereby the appeal preferred by the petitioner under Section 16(1) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, arising out of the order dated 26.04.2022 passed by the Sub-Divisional Officer, Durg, has been dismissed; it is submitted that the respondent, Babulal Yadav, a senior citizen aged about 72 years, had filed an application before the Sub-Divisional Officer under the aforesaid Act seeking eviction of the petitioner from the house property bearing Khasra No. 1272/17, admeasuring approximately 0.006 hectare (600 sq. ft.),

situated at Vijai Nagar, Durg, claiming that he had purchased the said property from his own income and was residing on the first floor, while his younger son, Sanju Yadav, along with his wife, the present petitioner, was residing on the ground floor; it was further alleged that after the death of his son, the petitioner started quarreling with him over the property and allegedly extended threats, and despite issuance of a legal notice dated 18.12.2021 and lodging of complaints before the police on various dates, no action was taken and the petitioner did not vacate the premises; that upon consideration of the material and evidence on record, the Sub-Divisional Officer passed the order dated 26.04.2022 directing the petitioner to vacate the premises within 15 days and also directed the concerned Tehsildar and Station House Officer, Mohan Nagar, Durg to ensure compliance; that aggrieved thereby, the petitioner preferred an appeal before the District Collector under Section 16(1) of the Act, raising her contentions on merits; however, the District Collector, by the impugned order dated 02.03.2026, dismissed the appeal solely on the ground of delay without affording an opportunity of hearing on merits, which has compelled the petitioner to approach this Court.

3. Learned counsel for the petitioner submits that the concerned Collector has dismissed the appeal solely on the ground of limitation, observing that the appeal was preferred beyond the prescribed period and, therefore, was not required to be entertained; however, it is contended that such finding is

erroneous, inasmuch as the petitioner was proceeded ex parte before the concerned SDO (Revenue), as the notice purportedly issued to her was merely shown as served through an office endorsement without actual service upon the petitioner, and consequently, she had no knowledge of the proceedings or of the final order dated 26.04.2022; it is submitted that the delay in filing the appeal occurred bona fide due to lack of knowledge, which aspect has not been considered by the Collector while passing the impugned order; it is further submitted that the petitioner is a poor widow who, after the demise of her husband, has been evicted from the house by her father-in-law, and she has also initiated proceedings seeking maintenance and accommodation under the Act of 2007; it is therefore urged that the matter deserves to be considered on merits, particularly in view of the fact that the petitioner was proceeded ex parte before the SDO (Revenue), and appropriate directions may be issued to the concerned Collector to decide the appeal afresh in accordance with law; it is also submitted that an earlier writ petition was filed before this Hon'ble Court, which was dismissed as withdrawn with liberty to file an appropriate petition, pursuant to which the present petition has been filed.

4. I have heard learned counsel for the petitioner and perused the material available on record.
5. From a perusal of the record, it appears that the petitioner was deemed to have been served with notice on the basis of an

internet service report; however, in reality, service effected on petitioner is not confirmed though she was proceeded ex parte, and consequently, the order did not come to her knowledge at the relevant time; it is further evident that upon acquiring knowledge of the said order, the petitioner promptly preferred an appeal; considering that the petitioner is a poor widow, unfamiliar with legal procedures, and in view of the aforesaid circumstances, and the delay in filing appeal before the Collector is condoned, this Court deems it appropriate to direct the concerned Collector to consider and decide the appeal on merits, in accordance with law, after affording due opportunity of hearing to the parties.

6. With this observation and direction, the writ petition is disposed of.

Sd/-

(Amitendra Kishore Prasad)

Judge

Raghu Jat