



2026:CGHC:16826

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 3318 of 2021

Ramkhilawan S/o Late Makru Das Tandan, Aged About 45 Years R/o Village Thelkadih, Tehsil Khairagarh, District Rajnandgaon, Chhattisgarh
... Petitioner

versus

- 1 - The Board Of Revenue Circuit Court Raipur, Through The Secretary, Bilaspur, District Bilaspur Chhattisgarh
- 2 - The Divisional Commissioner, Durg Division, Durg Chhattisgarh
- 3 - The Sub Divisional Officer (Revenue) Khairagarh, District Rajnandgaon Chhattisgarh
- 4 - The Naib Tehsildar Khairagarh, District Rajnandgaon Chhattisgarh
- 5 - Smt. Tara Bafna, W/o Pukhraj Bafna, R/o Kamthi Line, Rajnandgaon, Tehsil And District Rajnandgaon Chhattisgarh
- 6 - Prabhat Bafna, S/o Shri Champalal Bafna, Farmer, R/o Village Gatapar Kala, Tehsil Khairagarh, District Rajnandgaon Chhattisgarh
- 7 - Ajay Sharma, S/o Shri K.N. Sharma, R/o Station Road Durg, Tehsil And District Durg Chhattisgarh

... Respondents

(Cause-title taken from Case Information System)

For Petitioner	: Mr. Siddharth Pandey, Advocate
For Respondents No.1 to 4	: Mr. Sangharsh Pandey, Govt. Advocate
For Respondents No.5 to 7	: Mr. Mayank Gupta, Advocate on behalf of Mr. Anurag Singh, Advocate

Hon'ble Shri Amitendra Kishore Prasad, Judge

Order on Board

13.04.2026

1. By filing the present petition, the petitioner calls in question the legality, validity and propriety of the order dated 16.07.2021 passed by the learned Board of Revenue in Case



No.R.N./15/R/A-70/64/2020 pertaining to Village Thelkadih, Tehsil Khairagarh, District Rajnandgaon (C.G.), whereby the revision petition preferred by the private respondents has been allowed, the orders passed by respondent Nos. 2 and 3 have been set aside, and the orders dated 25.03.2017 and 27.03.2017 passed by the Court of Naib Tehsildar, Khairagarh have been affirmed.

The petitioner has prayed for following relief(s) :-

“10.1 The Hon'ble Court may graciously be pleased to quash/set aside the order passed by the C.G. Board of Revenue, Bilaspur in case bearing registration no. R.N./15/R/A-70/64/2020 Village Thelkadih, Tehsil Khairagarh, District Rajnandgaon, (C.G.) dated 16.7.2021 (Annexure P/1) and further be pleased to restore the order passed by the Sub Divisional Officer (Revenue) Khairagarh, District Rajnandgaon C.G. dated 1.5.2018, in the ends of justice.

10.2 Any other relief which this Hon'ble Court deems fit and proper be awarded in favor of the petitioner.”

2. Brief facts of the case, in a nutshell are that the land in question bearing Survey No. 94 (old) and Survey No. 117 (new), admeasuring 4.70 acres, is situated at Village Thelkadih, Tehsil Khairagarh, District Rajnandgaon. Initially, the land was recorded in the name of Bihari, thereafter in the name of Bhondu till his death on 29.05.1975, and subsequently in the names of Makru



Das and other co-sharers. The petitioner and his family members have continued in possession of the said land. A dispute arose on 09.10.2014 when the private respondents filed a complaint before the Tehsildar, Khairagarh alleging encroachment by the petitioner on the basis of certain sale deeds. Proceedings were initiated, and interim orders were passed by the Tehsildar, which were subsequently set aside by the Board of Revenue on 30.11.2015 in earlier round of litigation.

- 3.** During the course of proceedings, it came to light that certain sale deeds allegedly executed in the years 1975 and 1982 formed the basis of the respondents' claim. The petitioner disputes these transactions, asserting that the executants had no title at the relevant time and that the said documents are forged and invalid. The Naib Tehsildar, Khairagarh, by orders dated 25.03.2017 and 27.03.2017, directed eviction of the petitioner under Section 250 of the Chhattisgarh Land Revenue Code, 1959 (for short, 'Code, 1959'). The said order was set aside by the Sub-Divisional Officer on 01.05.2018 and the matter was remanded for fresh adjudication, which order was affirmed by the Divisional Commissioner on 21.01.2020. However, in revision, the Board of Revenue by order dated 16.07.2021 set aside the orders of the Sub-Divisional Officer and Divisional Commissioner and restored the orders of the Naib Tehsildar. Meanwhile, a civil suit challenging the validity of the disputed sale deeds has been filed by the petitioner and is pending consideration (restoration



application also pending), and the petitioner continues to claim possession over the land in question.

4. Learned counsel for the petitioner submits that the impugned order passed by respondent No. 1 is wholly erroneous, perverse and contrary to the settled principles of law governing proceedings under the Code, 1959. It is contended that the Board of Revenue has committed a grave error in allowing the revision preferred by the private respondents and in restoring the order of the Naib Tehsildar, which is ex facie illegal and unsustainable in the eyes of law. The Board failed to appreciate that the order passed by the Sub-Divisional Officer was well-reasoned, in accordance with law, and strictly in consonance with the requirements of Section 250 of the Code, 1959. It is further submitted that the Board of Revenue has exceeded its jurisdiction in virtually adjudicating the title of the parties while exercising revisional powers, which is impermissible under the law. The dispute between the parties involves complicated questions of title, particularly when the petitioner has specifically challenged the genuineness of the alleged sale deeds and a civil suit for declaration and injunction is already pending between the parties. In such circumstances, the revenue authorities ought to have refrained from deciding issues relating to title, especially when the land in question contains residential structures and places of worship belonging to the petitioner's family.



5. Learned counsel further submits that the private respondents have never been in possession of the land in question and the petitioner along with his predecessors has been in continuous, peaceful possession thereof for several decades. It is argued that the private respondents are attempting to assert their claim on the basis of alleged sale deeds executed more than 40–45 years ago, which are seriously disputed and alleged to be forged. Despite such long lapse of time, no steps were taken by the private respondents for mutation or possession, which clearly demolishes their claim of ownership and possession. It is also contended that the application filed by the private respondents before the Tehsildar was hopelessly barred by limitation as prescribed under Section 250(1)(b) of the Code, 1959. The provision mandates that a claim for restoration of possession must be made within two years from the date of dispossession or from the date when possession becomes unauthorized. In the present case, the private respondents failed to plead or prove the essential ingredients of dispossession, namely, the date, manner and circumstances of dispossession. Therefore, the proceedings initiated at their instance were not maintainable and deserved outright rejection.
6. Learned counsel further submits that the Sub-Divisional Officer had rightly appreciated the legal position and held that the private respondents failed to establish the necessary ingredients of Section 250 of the Code, 1959, including proof of possession and



subsequent dispossession. It was also rightly observed that there was no proper demarcation to establish the alleged encroachment by the petitioner. However, the Board of Revenue, without proper appreciation of these material aspects, set aside the well-reasoned orders of the subordinate authorities and erroneously upheld the findings of the Naib Tehsildar. Lastly, it is submitted that the proceedings before the Naib Tehsildar were conducted in gross violation of the principles of natural justice. The petitioner had sought adjournment on 25.03.2017 on bona fide grounds, as he was engaged in evaluation of Board examination answer sheets, which was supported by documentary evidence. However, the Naib Tehsildar arbitrarily closed the petitioner's right to cross-examine witnesses and to adduce evidence, thereby causing serious prejudice. The Board of Revenue erred in treating such bona fide conduct as a delaying tactic, which is contrary to law and has resulted in miscarriage of justice.

7. On the other hand, learned State counsel appearing for respondents No.1 to 4 as well as learned counsel appearing for respondent Nos. 5 to 7 submits that the present petition is not maintainable in law as the petitioner has already availed the remedy before the competent civil court by instituting a civil suit, which stood dismissed. It is further submitted that against the said dismissal, the petitioner has preferred an appeal, which is presently pending consideration before the appellate Court.



8. It is contended that in view of the pendency of the civil appeal involving the same subject matter and cause of action, the petitioner cannot be permitted to invoke the writ jurisdiction of this Court, as the same would amount to parallel proceedings. It is further submitted that the petitioner has an efficacious and adequate alternative remedy available before the civil court, and therefore, he ought to pursue his grievance before the competent civil jurisdictional Court. On these grounds, it is urged that the present petition deserves to be dismissed as not maintainable.
9. I have heard the learned counsel for the parties at length and have carefully perused the pleadings, documents, and other material available on record.
10. From perusal of the writ petition, it appears that vide order dated 16.08.2021, interim relief has been granted in favour of the petitioner to the effect that the operation and effect of the impugned order dated 16.07.2021 passed by the Board of Revenue, as well as the order dated 27.03.2017 passed by the Tahsildar (Annexure P-9), have been stayed till the next date of hearing, subject to issuance of notice to the respondents.
11. Upon a thoughtful consideration of the rival submissions and on meticulous perusal of the entire material available on record, this Court finds that the core dispute between the parties fundamentally pertains to the question of title and lawful possession over the land in question. It is not in dispute that the



petitioner himself has already invoked the jurisdiction of the competent Civil Court by instituting a civil suit seeking declaration and other consequential reliefs with regard to the very same subject matter, including the validity of the sale deeds forming the foundation of the claim of the private respondents. The said civil proceedings, though initially dismissed, are presently sub judice before the appellate Court at the instance of the petitioner.

- 12.** In this backdrop, it becomes evident that the controversy involved is not a mere summary dispute of possession simpliciter, but rather one which entails adjudication of complex and disputed questions of title, including the genuineness and legal validity of documents executed several decades ago. Such issues, by their very nature, fall squarely within the domain of the Civil Court, which alone is competent to record evidence, adjudicate upon title, and grant appropriate declaratory reliefs. The jurisdiction exercised by the revenue authorities under Section 250 of the Code, 1959 is summary in nature and is confined to restoration of possession in clear cases of dispossession; it does not extend to adjudication of intricate questions of title.
- 13.** Once the parties have already approached the Civil Court and the matter has been seized of by the competent Civil Court, the parallel continuation or invocation of proceedings before the revenue authorities would not only be inappropriate but would also lead to multiplicity of proceedings and the possibility of



conflicting findings. It is a well-settled principle of law that when a competent Civil Court is in seisin of the matter, the parties ought to pursue their remedies before the said forum, and other forums should refrain from adjudicating upon the same issues.

- 14.** This Court is, therefore, of the considered view that in the facts and circumstances of the present case, the proceedings under Section 250 of the Code, 1959 were not maintainable, particularly when the dispute relating to title and possession is already engaging the attention of the Civil Court. Consequently, the parties are required to agitate and establish their respective rights before the competent Civil Court, where the matter can be adjudicated comprehensively on the basis of evidence.
- 15.** In view of the aforesaid discussion, and taking into consideration that interim protection was granted to the petitioner vide order dated 16.08.2021, this Court deems it appropriate to dispose of the present writ petition with an observation that the parties shall be at liberty to pursue their remedies before the competent Civil Court, and the Civil Court shall decide the matter independently, strictly in accordance with law, without being influenced by any observations made in the impugned orders or in this order.
- 16.** It is further observed that all questions relating to title, possession, limitation, and validity of the sale deeds are left open to be adjudicated by the Civil Court on their own merits.



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17. With the aforesaid observations and directions, the present writ petition stands disposed of.
18. There shall be no order as to costs.

Sd/-
(Amitendra Kishore Prasad)
Judge

Yogesh