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**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**WP227 No. 551 of 2026**

**1** - Balbir Singh Monga S/o Shri Harbansh Singh Monga Aged About 62 Years  
R/o 32/882, Preeti Niwas, Shyam Nagar, Near Sagar Kiraya Bhandar,  
Telibandha Raipur Distt Raipur Chhattisgarh

**2** - Daljeet Kaur Monha W/o Balbir Singh Monga Aged About 58 Years R/o  
32/882, Preeti Niwas, Shyam Nagar, Near Sagar Kiraya Bhandar, Telibandha  
Raipur Distt. Raipur Chhattisgarh (Respondent No. 2 Is The Original Owner  
Of The Property In Dispute Hence Made Party)

**... Petitioner(s)**

**versus**

**1** - State Of Chhattisgarh Through Secretary, Revenue And Disaster  
Management And Rehabilitation Department, S-3-31, Mahanadi Bhavan,  
Nawa Raipur, Atal Nagar Chhattisgarh

**2** - The Collector Raipur, Distt. Raipur Chhattisgarh

**3** - The Tahsildar, Raipur Distt. Raipur Chhattisgarh

**4** - Superintendnt Of Police, Raipur Distt. Raipur Chhattisgarh

**5** - Rajendra Singh Chawla S/o Late Diwan Singh Chawla R/o Ashoka Tower  
Raipur, Distt. Raipur Chhattisgarh

**... Respondent(s)**

(Cause-title taken from Case Information System)

For Petitioner	:	Shri Akash Kumar Kundu, Advocate.
For State	:	Shri Vinod Tekam, Govt. Advocate along with Shri Rohan Shukla, Panel Lawyer.

**Hon'ble Shri Justice Ravindra Kumar Agrawal, J**

**Order on Board**

**05.05.2026**

**1.** The present writ petition under Article 227 of the Constitution of India  
has been filed by the petitioner against the impugned order dated

13.04.2026 and 29.04.2026 passed by the Tehsildar Raipur, whereby an order has been passed for vacant possession of the subject property in favour of the respondent No.5 while invoking the provisions of Section 250 of Chhattisgarh Land Revenue Code, 1959 (in short, the Code) and pursuant to the order dated 13.04.2026, the possession warrant is ordered to be issued and the case has been fixed for 06.05.2026.

- 2.** Learned counsel for the petitioners would submit that without giving proper opportunity of hearing and without there being any proper demarcation, the order has been passed by the Tehsildar on 13.04.2026 allowing the application filed by the respondent No.5 under Section 250 of the Code. He has filed the appeal against the order dated 13.04.2026 and 29.04.2026 before the Sub Divisional Officer (R)Raipur (in short, SDO) on 04.05.2026, however, they orally informed the date of hearing as 11.05.2026, but no order sheet has been opened and even no receiving has been given to the petitioner with respect to filing of their appeal. He would further submit that the next date fixed before the Tehsildar is 06.05.2026 for compliance report of the possession warrant with respect to the subject property and without hearing the petitioners in the appeal if they may be removed from the subject property, they would be affected prejudicially with irreparable loss. Therefore, till hearing of the appeal by the SDO, they may be protected from dispossession from the subject property.
- 3.** On the other hand, learned counsel for the State opposes and submits that the petitions are having an alternative remedy of appeal before the SDO which they already availed and two simultaneous proceedings

cannot run together and they have to pursue their remedy before the SDO. Therefore, the present writ petition is not maintainable. The Tehsildar has passed its order after hearing the parties against which the petitioners have already filed their appeal. Therefore, the jurisdiction lies with the SDO (R) to decide the appeal in accordance with law.

4. I have heard the counsel for the parties and perused the material annexed with the petition.
5. The challenge in the present petition is the order dated 13.04.2026 and 29.04.2026 passed by the Tehsildar Raipur under Section 250 of the Code. The order passed by the Tehsildar Raipur is appealable before the SDO(R) as provided under Section 44 of the Code, however, from perusal of the order sheets it transpires that the order dated 13.04.2026 has been passed by the Tehsildar directing for vacation possession of the subject property. After passing of the order dated 13.04.2026, a notice was sent to the petitioners on 16.04.2026 (wrongly mentioned as 16.04.2025) Annexure P/3 and 23.04.2026 for execution of the order dated 13.04.2026. Since the petitioner No.2 was suffering from ailment and the petitioner No.1 was busy in her treatment, he made an application before the Tehsildar for grant of sometime to challenge the order dated 13.04.2026 before the appellate forum and then till the execution of the order dated 13.04.2026 may be stayed. That application of the petitioners have been considered on 29.04.2026, but the same has been rejected and warrant of possession has been ordered to be issued and the case has been fixed on 06.05.2026. Considering the position, the petitioners have filed their

appeal before the SDO, Revenue on 04.05.2026, however, the Tehsildar has already ordered for vacant possession of the subject property and sought execution report up to 06.05.2026. Therefore, till the hearing of their appeal before the SDO, they may be protected.

6. True it is that Tehsildar has passed the order on 13.04.2026 and notice was issued to the petitioners on 16.04.2026 and 23.04.2026. Under Section 44 of the Code, the petitioners have right to challenge the order passed by the Tehsildar before SDO by filing first appeal and the limitation to file first appeal is provided under Section 47 of the Code. Limitation provided to file appeal is 60 days (as amended w.e.f. 24.04.2023) from the date of order to the appellate authority, however, without considering the said period of limitation, the Tehsildar has directed to issue warrant of possession vide its order dated 29.04.2026. Further, the petitioners have already filed their appeal before the SDO Revenue on 04.05.2026 and it is submitted by the counsel for the petitioners that they were orally informed by the office of SDO Revenue for date of hearing as 11.05.2026. A copy of the memo of appeal and application under Section 52 of the Code has also been filed today along with covering memo.
7. Be that as it may, without entering into the merits of the case, when an appeal has been provided against the order passed by Tehsildar which is to be filed before the SDO Revenue and the petitioners have already availed their remedy of filing the appeal on 04.05.2026 and as per the submissions made by the counsel for the petitioners that the date of hearing was given as 11.05.2026, this court is not inclined to examine the merits of the case, however, considering the fact that warrant of

possession has been issued against the the petitioners and their appeal is yet to be heard by the SDO Revenue, this court is inclined to protect the petitioners till hearing of their application for stay before the SDO, Revenue.

8. Accordingly, the present writ petition is disposed of directing the SDO (Revenue) Raipur to hear the application for stay filed by the petitioners along with their appeal which has been filed on 04.05.2026 within 15 days from today, and to decide the same on its own merits and after giving opportunity of hearing to the parties concerned. Till then, the parties shall maintain status quo with respect to the possession of the suit property as it exists today.
9. The State counsel is directed to communicate about this order to the concerned SDO (Revenue).
10. Certified copy today.

Sd/-  
(Ravindra Kumar Agrawal)  
**Judge**

inder