



CGHC010256862026

2026:CGHC:31116

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 3692 of 2026

1 - Ashish Mandal S/o Manmat Mandal Aged About 35 Years R/o
Village- Madanpur Tehsil- Latori, District- Surajpur, Chhattisgarh,

--- Petitioner(s)

versus

1 - State Of Chhattisgarh Through- Secretary Revenue And Disaster
Management Department Raipur District- Raipur Chhattisgarh,

2 - The Commissioner Sarguja Division, Ambikapur, District- Sarguja
(C.G.).

3 - The Collector Surajpur District - Surajpur Chhattisgarh.

4 - The Sub Divisional Officer (Revenue) Surajpur District- Surajpur,

5 - The Tehsildar Tehsil Latori Surajpur District - Surajpur Chhattisgarh,

6 - Mahatama Gandhi University Of Horticulture And Forestry Through
Vice Chancellor Labhandi Raipur District- Raipur Chhattisgarh,

--- Respondent(s)

WPC No. 3766 of 2026

1 - Vinay Bachhad S/o Late Atul Rai Aged About 50 Years R/o Village Madanpur, Tehsil Latori, District- Surajpur Chhattisgarh.

---Petitioner(s)

Versus

1 - State Of Chhattisgarh Through Secretary, Revenue And Disaster Management Department Raipur, District- Raipur Chhattisgarh.

2 - The Commissioner Surguja, Division Ambikapur, District- Surguja (C.G.).

3 - The Collector, Surajpur, District- Surajpur Chhattisgarh.

4 - The Sub Divisional Officer, (Revenue) Surajpur, District- Surajpur Chhattisgarh.

5 - The Tehsildar Tehsil Latori Surajpur, District- Surajpur Chhattisgarh.

6 - Mahatama Gandhi University Of Horticulture And Forestry Through Vice Chancellor, Labhandi, Raipur, District- Raipur, Chhattisgarh.

--- Respondent(s)

WPC No. 3710 of 2026

1 - Smt. Parul Rai W/o Late Atul Rai Aged About 75 Years R/o Village- Madanpur, Tahsil- Latori, District- Surajpur, Chhattisgarh,

---Petitioner(s)

Versus

1 - State Of Chhattisgarh Through- Secretary Revenue And Disaster Management Department Raipur, District- Raipur Chhattisgarh.

2 - The Commissioner Surguja Division, Ambikapur, District- Surguja (C.G.).

3 - The Collector Surajpur District- Surajpur Chhattisgarh.

4 - The Sub Divisional Officer (Revenue) Surajpur District- Surajpur.

5 - The Tehsildar Tehsil- Latori Surajpur District- Surajpur Chhattisgarh,

6 - Mahatama Gandhi University Of Horticulture And Forestry Through Vice Chancellor Labhandi Raipur, District- Raipur Chhattisgarh.

--- Respondent(s)

WPC No. 3704 of 2026

1 - Smt. Roop Mala W/o Late Amrit Lal Aged About 75 Years R/o- Village- Madanpur, Tehsil- Latori, District- Surajpur, Chhattisgarh.

---Petitioner(s)

Versus

1 - State Of Chhattisgarh Through Secretary, Revenue And Disaster Management Department, Raipur, District- Raipur, Chhattisgarh.

2 - The Commissioner Surguja Division Ambikapur, District- Surguja (C.G.).

3 - The Collector Surajpur, District- Surajpur Chhattisgarh.

4 - The Sub Divisional Officer (Revenue) Surajpur District- Surajpur, Chhattisgarh.

5 - The Tehsildar Tehsil- Latori, Surajpur, District- Surajpur Chhattisgarh.

6 - Mahatama Gandhi University Of Horticulture And Forestry Through Vice Chancellor, Labhandi, Raipur, District- Raipur, Chhattisgarh.

--- Respondent(s)

WPC No. 3703 of 2026

1 - Nimai Chandra Sarkar S/o Late N. Gopal Aged About 65 Years R/o-
Village- Madanpur, Tehsil- Latori, District - Surajpur, Chhattisgarh.

---Petitioner(s)

Versus

1 - State Of Chhattisgarh Through Secretary, Revenue And Disaster
Management Department, Raipur, District - Raipur, Chhattisgarh.

2 - The Commissioner, Sarguja Division Ambikapur District- Sarguja
(C.G.).

3 - The Collector, Surajpur, District - Surajpur, Chhattisgarh.

4 - The Sub Divisional Officer (Revenue) Surajpur, District – Surajpur,

5 - The Tehsildar, Tehsil-Latori, Surajpur, District - Surajpur,
Chhattisgarh.

6 - Mahatama Gandhi University Of Horticulture And Forestry, Through
Vice Chancellor, Labhandi, Raipur, District - Raipur, Chhattisgarh.

--- Respondent(s)

For Petitioner(s)	:	Mr. Saket Pandey, Advocate.
For Respondent(s)/ State	:	Mr. S. S. Choubey, G.A.

Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

22/07/2026

1. Since common question of facts and law is involved in these
cases, as such, all these petitions are being disposed of by this

common order.

2. The petitioners have prayed for certain reliefs in the writ petitions.

Though there are some sort of differences in respect of prayer made by the petitioners in all the petitions, however, in sum and substance, the reliefs are altogether similar and identical. The reliefs prayed in **WPC No. 3692/2026 (Ashish Mandal vs. State of Chhattisgarh and others)** are quoted hereinbelow in order to consider these cases and to decide the same.

“10.1 That, the Hon'ble Court may kindly be pleased to, issue a writ of mandamus or any other appropriate writ setting aside public notice dated 06.06.2024 (Annexure P/3) in relation to the petitioner's shop. Namely Kishan Vastra Bhandar, in the interest of justice.

10.2 That, the Hon'ble Court may kindly be pleased to issue a writ of mandamus or any other appropriate writ directing the respondents to not to demolish the shop of the petitioner or interfere with it in any other manner, in the interest of justice.

10.3 Any other relief which this Hon'ble Court may deem and proper in the present circumstances of the case.”

3. Learned counsel appearing for the petitioners submits that the petitioners are refugees/migrants from Bangladesh who, along with their ancestors, were rehabilitated by the Government in the year 1964 under the prevailing rehabilitation scheme and have since remained in peaceful, continuous and uninterrupted

possession of the land situated at Village Madanpur, Tehsil Latori, District Surajpur. It is submitted that for more than six decades the petitioners have been residing on the said land, constructed their residential houses, developed agricultural fields, installed tube wells and other necessary infrastructure, and have been solely dependent upon the said land for their livelihood through agricultural activities while regularly paying the requisite government dues. Learned counsel further submits that the respondent University had originally sought allotment of approximately 100 acres of land situated in Village Silfili for establishment of a Horticulture College, Research Centre and service road; however, without any such request from the University for land situated in Village Madanpur, the revenue authorities, in an arbitrary and unjustified manner, initiated proceedings for allotment of the land occupied by the petitioners. It is contended that although the petitioners submitted detailed objections against the proposed allotment, the same were neither duly considered nor decided in accordance with law, and instead, the Collector proceeded to pass orders directing their eviction and transfer of the land in favour of the respondent University. It is further submitted that the reports prepared by the revenue authorities, as well as the opinion of the concerned Gram Panchayat, clearly acknowledged the existence of residential houses and agricultural activities over the land in question and specifically recorded that establishment of the proposed college

would seriously prejudice the livelihood of the petitioners and other similarly situated villagers. Learned counsel argues that while the authorities declined to allot land situated in Village Silfili on account of existing residential constructions, they adopted an entirely different and discriminatory approach in respect of Village Madanpur despite identical factual circumstances. It is further submitted that sufficient vacant Government land is available in the neighbouring villages, namely Silfili, Karwa, Virpur and Gangapur, which could conveniently be allotted for establishment of the proposed institution without disturbing the long-standing possession and livelihood of the petitioners. It is, therefore, contended that the impugned action of the respondents in allotting the land occupied by the petitioners to the respondent University is wholly arbitrary, discriminatory, contrary to the rehabilitation policy and the settled principles of law, and has been undertaken solely with the object of dispossessing the petitioners from land over which they and their predecessors have been in settled possession for more than six decades.

4. On the other hand learned counsel for the State submits that the present writ petition is devoid of merit and is liable to be dismissed as it involves serious disputed questions of fact which cannot be adjudicated in the writ jurisdiction under Article 226 of the Constitution of India. He submits that the land in question is Government land which has been duly allotted for establishment of a Horticulture College and Research Centre under the

Mahatma Gandhi University of Horticulture and Forestry in accordance with law and in public interest. It is further submitted that the petitioners have no legal, statutory or vested right over the land in dispute and cannot claim protection against their eviction. Learned counsel contends that the revenue authorities, after affording adequate opportunity to the petitioners, found that they had failed to produce any document establishing any lawful title, ownership or legally recognizable right over the Government land. He further submits that the competent authorities have passed the impugned orders only after due consideration of the material available on record and in accordance with the applicable provisions of law. It is thus argued that the petitioners, being unauthorized occupants of Government land, cannot seek equitable relief from this Court merely on the basis of long possession, and therefore, no interference with the impugned action is warranted in exercise of the extraordinary writ jurisdiction of this Court.

5. Having heard learned counsel for the parties and perused the material available on record.
6. The Hon'ble Supreme Court in the matter of ***Sarbananda Sonowal vs. Union of India, (2005) 5 SCC 665***, the Hon'ble Supreme Court has stated that wherein it is held that the fundamental right of a foreigner is confined to Article 21, and that it is the foremost duty of the State to protect Government land against unauthorised occupation and trespass. A person who is

neither a citizen nor able to establish any lawful entitlement cannot invoke the extraordinary writ jurisdiction to protect an unauthorised possession over Government land. The land in question, on the other hand, is required for a Horticulture College and Research Centre a public and beneficial purpose intended for the students, the farming community and the public at large against which the petitioners' unsubstantiated claim, resting on bare possession without title, must yield.

7. The Hon'ble Supreme Court in the matter of ***Jagpal Singh vs. State of Punjab, (2011) 11 SCC 396***, the Hon'ble Supreme Court has observed as under:-

“13. We find no merit in this appeal. The appellants herein were trespassers who illegally encroached on to the Gram Panchayat land by using muscle power/money power and in collusion with the officials and even with the Gram Panchayat. We are of the opinion that such kind of blatant illegalities must not be condoned. Even if the appellants have built houses on the land in question they must be ordered to remove their constructions, and possession of the land in question must be handed back to the Gram Panchayat. Regularising such illegalities must not be permitted because it is Gram Sabha land which must be kept for the common use of the villagers of the village.

15. In M.I. Builders (P) Ltd. v. Radhey Shyam Sahu [(1999) 6 SCC 464] the Supreme Court ordered restoration of a park after demolition of a shopping complex constructed at the cost of over Rs. 100 crores.

22. For the reasons given above there is no merit in this appeal and it is dismissed.”

8. Upon perusal of the material available on record, this Court finds substance in the preliminary objection raised by learned counsel for the State that the controversy involved in the present writ petition gives rise to serious disputed questions of fact, particularly with regard to the petitioners' legal status, the nature and source of their possession, their alleged entitlement over the land in question, and the existence of any enforceable right in their favour. Such disputed issues necessarily require appreciation of evidence and cannot be adjudicated in exercise of the extraordinary jurisdiction under Article 226 of the Constitution of India. It has also been specifically contended by the State that the land in question is Government land which has been lawfully allotted for establishment of a Horticulture College and Research Centre in public interest and that the petitioners failed to produce any document before the competent authorities establishing any lawful title or legally recognizable right over the said land. In the considered opinion of this Court, mere long possession, in the absence of any lawful title or enforceable legal right, does not

confer any vested right so as to warrant interference in writ jurisdiction.

9. The legal position is no longer *res integra* that a trespasser or an unauthorised occupant of Government land does not acquire any legal, equitable, or vested right over such land merely by virtue of prolonged possession or by raising constructions thereon. The mere fact that an encroachment has continued for a considerable period or that the encroacher has incurred expenditure in raising structures cannot confer any enforceable right to seek regularisation or settlement of the land. The Hon'ble Supreme Court, in Jagpal Singh (supra), has categorically held that encroachments over Government or public land are required to be removed and that such illegal occupations cannot be permitted to be regularised merely on the ground of long-standing possession, as public interest and the rule of law cannot be sacrificed in favour of persons who have occupied public property without any lawful authority. The Supreme Court has further emphasised that public land is held in trust for the benefit of the community at large and must be protected from illegal occupation. Equally well settled is the principle that a person who seeks the benefit of any rehabilitation or regularisation policy cannot claim such benefit as a matter of right unless he is able to demonstrate strict compliance with all the eligibility conditions and requirements prescribed under the relevant policy or scheme. In the absence of such compliance, no legal or equitable right can

be asserted for the grant of settlement or regularisation of Government land.

10. Accordingly, the present writ petitions, being devoid of merit, is hereby **dismissed**.

Sd/-
(Amitendra Kishore Prasad)
Judge

Raghu Jat