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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 3804 of 2026

Shailendra Parihar S/o Ravendra Singh Parihar Aged About 40 Years
R/o House No.10/49 Shankar Nagar, Ambedkar Chowk Ward No Durg
Tahsil And District- Durg (C.G.) 491001 Proprietor Oil Seller (Retail)
Shop No.74 Ravishankar Stadium Durg 491001

--- **Petitioner**

Versus

- 1 - State Of Chhattisgarh Through- Secretary Department Of Revenue And Disastrous Management Mahanadi Bhawan Mantralaya Atal Nagar Nava Raipur (Chhattisgarh)
- 2 - State Of Chhattisgarh Through- Secretary Department Of Public Works Department Mahanadi Bhawan Antralaya Atal Nagar, Nava Raipur (C.G.)
- 3 - Jila Kridangan Nirman Samiti Reg No.3645 Ravishankar Stadium Durg Tahsil And District Durg (C.G.)
- 4 - District Collector Cum Chairman Jila Kridangan Nirman Samiti Ravishankar Stadium Durg Tahsil And District Durg (C.G.)
- 5 - Sub Divisional Officer (Revenue) Cum Secretary Jila Kridangan Nirman Samiti Durg Tahsil And District- Durg (C.G.)
- 6 - Sub- Divisional Officer Public Works Department Division Durg Near New Bus Stand Durg District- Durg (C.G.)
- 7 - Assistant Registrar Firms And Societies Durg Division Padmanabhpur Durg District- Durg (C.G.)
- 8 - Commissioner Municipal Corporation Durg Distt- Durg (C.G.)

--- **Respondents**

WPC No. 3828 of 2026

Krishnarao Katare S/o Late Ramchandra Katare Aged About 80 Years
R/o House No. 263 Killa Mandir Ward 7, Shikshak Nagar Durg, Tahsil
And District Durg (C.G.) 491001, Proprietor Chandra Daily Needs And
Cold Drinks, Shop No.100, Ravishankar Stadium, Durg (C.G.)

---**Petitioner**

Versus

- 1** - State Of Chhattisgarh Through -Secretary Department Of Revenue And Disastrous Management Mahanadi Bhawan, Mantralaya, Atal Nagar Nava Raipur (C.G.)
- 2** - State Of Chhattisgarh, Through -Secretary Department Of Public Works Department Mahanadi Bhawan, Mantralaya, Atal Nagar Nava Raipur (C.G.)
- 3** - Jila Kridangan Nirman Samiti Reg. No. 3645 Ravishankar Stadium, Durg Tahsil And District Durg (C.G.)
- 4** - District Collector Cum Chairman Jila Kridangan Nirman Samiti, Ravishankar Stadium,durg Tahsil And District Durg (C.G.)
- 5** - Sub -Divisional Officer (Revenue) Cum Secretary Jila Kridangan Nirman Samiti Durg , Tahsil And District Durg (C.G.)
- 6** - Sub Divisional Officer, Public Works Department Division Durg Near Bus Stand Durg, District -Durg (C.G.)
- 7** - Assistant Registrar, Firms And Societies Durg Division Padmanabhpur Durg, District -Durg (C.G.)
- 8** - Commissioner Municipal Corporation, Durg Distt. Durg (C.G.)

--- Respondents**WPC No. 3827 of 2026**

N.A. Jarin (Dead) Through Ansar Ahmad S/o Shri Gulam Akbar, Aged About 65 Years R/o Azad Chowk, Kasaridih Durg Street No. 5 Ward 42 Durg, P. O. Durg, Tahsil And District Durg (C.G.) 491001 Proprietor Late N. A. Jarin, C/o Ansar Ahmad Shop No. 83, Ravishankar Stadium, Durg, (C.G.)

---Petitioner**Versus**

- 1** - State Of Chhattisgarh Through -Secretary Department Of Revenue And Disastrous Management Mahanadi Bhawan, Mantralaya, Atal Nagar Nava Raipur (C.G.)
- 2** - State Of Chhattisgarh, Through - Secretary, Department Of Public Work Department, Mahanadi Bhawan, Mantralaya, Atal Nagar Nava Raipur (C.G.)
- 3** - Jila Kridangan Nirman Samiti Reg. No. 3645 Ravishankar Stadium, Durg Tahsil And District Durg (C.G.)
- 4** - District Collector Cum Chairman Jila Kridangan Nirman Samiti, Ravishankar Stadium, Durg Tahsil And District Durg (C.G.)
- 5** - Sub-Divisional Officer (Revenue) Cum Secretary Jily Kridangan Nirman Samiti Durg, Tahsil And District Durg (C.G.)
- 6** - Sub-Divisional Officer, Public Work Department Division Durg, Near New Bus Stand Durg, District - Durg (C.G.)

7 - Assistant Registrar, Firms And Societies Durg Division
Padmanabhpur Durg, District -Durg (C.G.)

8 - Commissioner Municipal Corporation, Durg Distt. Durg (C.G.)

--- Respondents

WPC No. 3822 of 2026

Shravan Kumar Chandrakar S/o Shri Ganesh Ram Chandrakar Aged
About 69 Years R/o Village Kuthrel P.O. Kuthrel, Tahsil And District-
Durg (C.G.) 491221 Proprietor Chandrakar Diesels Shop No. 95,
Ravishankar Stadium, Durg

---Petitioner

Versus

1 - State Of Chhattisgarh Through- Secretary Department Of Revenue
And Disastrous Management Mahanadi Bhawan, Mantralaya, Atal
Nagar Nava Raipur (Chhattisgarh)

2 - State Of Chhattisgarh Through Secretary, Department Of Public
Work Department, Mahanadi Bhawan, Mantralaya, Atal Nagar Nava
Raipur (C.G.)

3 - Jila Kridangan Nirman Samiti Reg. No. 3645 Ravishankar Stadium,
Durg Tahsil And District Durg (C.G.)

4 - District Collector Cum Chairman Jila Kridangan Nirman Samiti
Ravishankar Stadium, Durg, Tahsil And District Durg (C.G.)

5 - Sub-Divisional Officer (Revenue) Cum Secretary Jila Kridangan
Nirman Samiti Durg Tahsil And District Durg (C.G.)

6 - Sub-Divisional Officer Public Work Department Division Durg, Near
New Bus Stand Durg, District- Durg (C.G.)

7 - Assistant Registrar Firms And Societies Durg Division
Padmanabhpur Durg, District- Durg (C.G.)

8 - Commissioner Municipal Corporation, Durg, Distt. Durg (C.G.)

--- Respondents

WPC No. 3815 of 2026

Hemshankar Choudhary S/o Narottam Choudhary Aged About 64
Years R/o- Plot No. 644, Chhatagarh Main Road, Near Permeshwari
Ashram, Mohlai, Durg, District Durg (C.G.)

---Petitioner

Versus

1 - State Of Chhattisgarh Through Secretary, Department Of Revenue,
Mahanadi Bhawan, New Mantralaya, Atal Nagar, Raipur, District-
Raipur (C.G.)

- 2** - Chairman And Collector Jila Kridangan Samiti Durg District Durg (C.G.)
3 - Secretary And Sub-Divisional Officer (Revenue) Jila Kridangan Samiti Durg, District Durg (C.G.)
4 - Additional District Magistrate Durg, District Durg (C.G.)
5 - Tahsildar Durg, District Durg (C.G.)
6 - Executive Engineer Public Work Department, Durg Division Durg, District Durg (C.G.)

--- Respondents

WPC No. 3805 of 2026

Bhavesh Rao Katare S/o -Krishna Rao Katare, Aged About 45 Years
 R/o - House No. 153, Killamandir, Ward No. 7 Durg, District -Durg (C.G.)

---Petitioner

Versus

- 1** - State Of Chhattisgarh Through Secretary, Department Of Revenue, Mahanadi Bhawan, Atal Nagar, Raipur, District -Raipur (C.G.)
2 - Chairman And Collector Jila Kridangan Samiti Durg District Durg (C.G.)
3 - Secretary And Sub- Divisional Officer (Revenue), Jila Kridangan Samiti Durg District Durg (C.G.)
4 - Additional District Magistrate Durg , District Durg (C.G.)
5 - Tahsildar Durg, District Durg (C.G.)
6 - Executive Engineer, Public Wark Department, Durg Division Durg District Durg (C.G.)

... Respondents

(Cause-title taken from Case Information System)

For Petitioner in WPC : Nos.3804/2026, 3822/2026, 3827/2026 & 3828/2026	Mr. Uttam Chand, Advocate
For Petitioner in WPC : Nos.3806/2026 & 3815/2026	Mr. Ali Afzaal Mirza, Advocate
For State	: Mr. R.K. Gupta, Additional Advocate General, Dr. Saurabh Kumar Pande, Deputy Advocate General, Mr. Shreyansh Mehta, P.L. and Mr. Amit Nayak, P.L.
For Municipal Corporation	: Mr. Dhiraj Kumar Wankhede, Advocate

Hon'ble Shri Amitendra Kishore Prasad, Judge

Order on Board

23.07.2026

1. Heard Mr. Uttam Chand, learned counsel for the respective petitioners in WPC Nos.3804/2026, 3822/2026, 3827/2026 and 3828/2026 and Mr. Ali Afzaal Mirza, learned counsel for the respective petitioners in WPC Nos.3806/2026 and 3815/2026. Also heard Mr. R.K. Gupta, learned Additional Advocate General, Dr. Saurabh Kumar Pande, learned Deputy Advocate General as well as Mr. Shreyansh Mehta and Mr. Amit Nayak, learned Panel Lawyers appearing for the State and Mr. Dhiraj Kumar Wankhede, learned counsel appearing for the Municipal Corporation, Durg.
2. Since all these writ petitions involve an identical challenge to the same action of the respondent authorities and arise out of the same set of facts, they are being heard and decided by this common order. The petitioners are aggrieved by the impugned pre-eviction notice dated 25.06.2026 issued by the Secretary & Sub-Divisional Officer (Revenue), Jila Kridangan Samiti, District Durg (C.G.), whereby they have been directed to vacate their respective shops on or before 24.07.2026. The impugned notice has been issued on the basis of a report submitted by the Public Works Department stating that the commercial shops allotted to the petitioners have become old and are in a dilapidated condition, rendering them unsafe for occupation and use. It has

further been stated in the notice that in the event the petitioners fail to vacate the premises within the stipulated period, they shall be evicted with the assistance of the district administration and the expenditure incurred in carrying out such eviction shall be recovered from the petitioners by initiating revenue recovery proceedings.

3. Assailing the aforesaid pre-eviction notice, learned counsel appearing for the petitioners submit that the respondent authorities have acted arbitrarily and in complete disregard of the principles of natural justice by issuing the impugned notice without affording any meaningful opportunity of hearing or considering any alternative arrangement for rehabilitation of the shopkeepers. It is contended that the petitioners have been carrying on their business from the allotted shops for several years and their livelihood is entirely dependent upon the said establishments. According to the petitioners, the impugned action, if implemented, would deprive them of their only source of livelihood and is, therefore, violative of their fundamental rights guaranteed under Articles 19(1)(g) and 21 of the Constitution of India. They have, accordingly, invoked the extraordinary writ jurisdiction of this Court under Article 226 of the Constitution seeking quashment of the impugned notice and appropriate consequential reliefs.
4. Learned counsel appearing for the parties jointly submit that the controversy involved in the present batch of writ petitions is no

longer res integra, as the identical issue arising out of the very same pre-eviction notice dated 25.06.2026 has already been considered and decided by this Court in **WPC No.3730/2026** and other connected matters, decided by a common order dated **23.07.2026**. It is submitted that the present writ petitions are squarely covered by the said decision and, therefore, deserve to be disposed of in terms thereof.

5. This Court, while disposing of WPC No.3730/2026 and analogous cases vide common order dated 23.07.2026, observed as follows:—

“10. Having heard learned counsel for the parties and upon perusal of the record, it emerges that the petitioners are occupying their respective shops pursuant to allotment orders/agreements executed by the competent authority on payment of monthly rent. It is not in dispute that the petitioners have been carrying on their respective businesses from the said shops for nearly two decades or more, and for many of them the shops constitute their principal source of livelihood. It is also borne out from the material placed on record that the commercial complex in which the shops are situated has been reported by the Public Works Department to be in a dilapidated and unsafe condition requiring demolition and reconstruction.

11. There can be no quarrel with the proposition that the petitioners do not possess any vested or indefeasible right to continue in occupation of the shops indefinitely. Equally, however, the State and

its instrumentalities, while taking action for eviction in public interest, are expected to act in a manner that is fair, reasonable and consistent with constitutional values. The petitioners have been carrying on their business from the premises for a considerable period of time and their livelihood is directly dependent upon the said establishments. Directing them to vacate the premises during the rainy season, without affording them a reasonable opportunity to make alternative arrangements or to resettle their business, would result in undue hardship.

12. The State, being a welfare State, is expected to balance public interest with the legitimate concerns of citizens whose livelihood is likely to be affected by administrative action. While ensuring public safety by removing occupants from an unsafe structure is undoubtedly a legitimate objective, the authorities cannot ignore the consequences that such action may have upon the livelihood of the petitioners. The record reveals that the petitioners have submitted representations requesting reasonable time and appropriate rehabilitation or alternative arrangements. The said representations deserve due consideration before any coercive action is undertaken.

13. Article 19(1)(g) of the Constitution of India guarantees to every citizen the fundamental right to practise any profession or to carry on any occupation, trade or business, subject to reasonable restrictions imposed in the interest of the general public under Article 19(6). The right to livelihood has

also been recognized as an integral facet of the right to life guaranteed under Article 21 of the Constitution. Although the petitioners cannot insist upon continuation of their occupation contrary to law, the procedure adopted for their eviction must be fair, reasonable and non-arbitrary so as to adequately safeguard their constitutional rights.

14. Considering the totality of the circumstances, particularly the long-standing occupation of the petitioners, the fact that their businesses constitute their primary source of livelihood, and the prevailing rainy season, this Court is of the considered opinion that the ends of justice would be adequately served by directing the respondents to reconsider the representation of the petitioners with a hope of alternative arrangements by the petitioners for shifting their respective establishments.

*15. Accordingly, Respondent No. 3-Secretary and Sub-Divisional Officer (Revenue), Jila Krindangan Samiti Durg, District Durg C.G. is directed to reconsider the representations submitted by the petitioners for providing alternative arrangements to petitioners for running their shops or to pass appropriate reasoned orders thereon, after affording them an opportunity of hearing, within a reasonable period. The respondents shall also consider providing reasonable assistance, or any other lawful arrangement to facilitate the petitioners in shifting their business establishments. It is further directed that no coercive action for eviction shall be taken against the petitioners for a period of **four months** from the date of this order. However, it is made*

clear that, since the shops have been found to be in a dilapidated condition, the petitioners may continue to carry on their business therein for a period of four months at their own risk and cost. In the event of any mishap or untoward incident occurring during this period, the petitioners alone shall be solely responsible for the consequences thereof. The State and its authorities shall bear no liability or responsibility for any such mishap or incident. Upon expiry of the said period, it shall be open to the respondents to proceed in accordance with law.

16. With the aforesaid observations and directions, all the writ petitions stand disposed of.

17. It is made clear that this Court has not expressed any opinion on the merits of the rival claims of the parties. The present order has been passed only with a view to balance the competing public interest of ensuring public safety with the petitioners' need for reasonable time to make alternative arrangements for their livelihood."

6. Having considered the rival submissions advanced by learned counsel appearing for the respective parties and upon perusal of the record, this Court finds that the controversy involved in the present batch of writ petitions is identical in all material particulars to the one which came up for consideration before this Court in WPC No.3730/2026 and analogous cases, decided by common order dated 23.07.2026. The impugned notices challenged herein are the same pre-eviction notices dated 25.06.2026 issued by the same authority, founded on the very same report of the Public

Works Department declaring the commercial complex to be in a dilapidated and unsafe condition. Since the issues involved, the reliefs claimed and the legal questions arising for consideration are identical, and no distinguishing feature has been pointed out by the learned counsel for the parties, this Court sees no reason to take a view different from the one already taken in WPC No.3730/2026 and analogous cases.

7. Consequently, for the reasons recorded in the common order dated **23.07.2026** passed in **WPC No.3730/2026 and analogous cases**, the present writ petitions also stand disposed of in the same terms and with the same directions as contained therein.
8. It is clarified that all the observations and directions issued in the aforesaid common order shall apply *mutatis mutandis* to the facts of the present writ petitions.
9. There shall be no order as to costs.

Sd/-
(Amitendra Kishore Prasad)
Judge