

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1553 of 2015

Jai Narayan Agrawal S/o Surtamal Agrawal, Aged About 92 Years R/o Raigarh Road,
Ward No. 7, Thana Pathalgaon Tahsil & Distt. Jashpur (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Department Of Revenue Mahanadi Bhawan Naya Raipur Thana Raipur, Distt. Raipur (Chhattisgarh)
2. The Collector Jashpur, Collectorate Jashpur, Thana & Distt. Jashpur [Chhattisgarh]
3. The Sub Divisional Officer, Pathalgaon, Thana Pathalgaon Distt. Jashpur [Chhattisgarh]
4. The Tahsildar, Tahsil Pathalgaon, Thana Pathalgaon Distt : Jashpur [Chhattisgarh]
5. The Chief Municipal Officer, Nagar Panchayat, Pathalgaon, Thana Pathalgaon, Distt: Jashpur, (Chhattisgarh)

---- Respondent

WPC No. 1554 of 2015

Revanad @ Ravindra Kumar Patnayak S/o Rohit Kumar, Aged About 48 Years Caste
Agharia, R/o Village Pathalgaon, Thana Pathalgaon, Tahsil & Distt. Jashpur,
(Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue Mahanadi Bhawan, Naya Raipur, Thana Raipur, Distt. Raipur, (Chhattisgarh)
2. The Collector, Jashpur, Collectorate, Jashpur, Thana & Distt. Jashpur, (Chhattisgarh)
3. The Sub Divisional Officer, Pathalgaon, Thana Pathalgaon, Distt. Jashpur, (Chhattisgarh)
4. The Tahsildar, Tahsil Pathalgaon, Thana Pathalgaon, Distt: Jashpur, (Chhattisgarh)
5. The Chief Municipal Officer, Nagar Panchayat, Pathalgaon, Thana Pathalgaon, Distt: Jashpur, (Chhattisgarh)

---- Respondents

&

WPC No. 1555 of 2015

Motichand Patel S/o Jeevan Lal Patel Aged About 72 Years Caste Agharia R/o Village
Pathalgaon, Thana Pathalgaon Tahsil & Distt. Jashpur [Chhattisgarh]

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Department Of Revenue Mahanadi Bhawan Naya Raipur Thana Raipur, Distt. Raipur [Chhattisgarh]
2. The Collector Jashpur, Collectorate Jashpur, Thana & Distt. Jashpur [Chhattisgarh]
3. The Sub Divisional Officer, Pathalgaon, Thana Pathalgaon Distt. Jashpur [Chhattisgarh]
4. The Tahsildar, Tahsil Pathalgaon, Thana Pathalgaon Distt : Jashpur [Chhattisgarh]
5. The Chief Municipal Officer, Nagar Panchayat, Pathalgaon, Thana Pathalgaon, Distt: Jashpur, (Chhattisgarh)

---- Respondents

Shri N.K.Malviya, counsel for the petitioner/s.
Shri Satish Gupta, Govt. Adv. for the State.

Order On Board

31/08/2015

The aforesaid three writ petitions are being disposed off by this common order as similar grievance has been raised arising on account of notice of eviction issued by Nagar Panchayat, Pathhalgaon/ respondent No.5.

2. Learned counsel for the petitioners submits that in all the cases, the petitioners were initially granted temporary lease after submitting application for renewal of lease but in anticipation of grant of lease, some advance amount has also been deposited for grant of lease to Nagar Panchayat. The application has remained pending before the Collector. However, without decision on the said application, impugned notice has been issued by Nagar Panchayat requiring the petitioners to remove the shops which are only their source of livelihood. According to learned counsel for the petitioners, action of the respondents, without considering his pending application for renewal / extension of lease is arbitrary.

3. On the other hand, learned State counsel submits that even though the

petitioners had applied for extension of lease, the fact remains that they have not been granted any renewal / extension of lease and therefore, as on today, the petitioners have no right to protect their possession.

5. The documents which have been placed on record by the respective petitioners show that a temporary lease was granted in the past and thereafter, petitioners in each of the cases moved application for renewal of lease. According to the petitioners, petitioners have placed on record, documents which show that some amount proposed as premium in anticipation of renewal of lease has also been deposited. The documents also show that it is a nazul land.

6. In these circumstances, when the petitioners in each of the cases have already moved an application for renewal / extension of lease, it would only be fair to them that before evicting them, their applications are to be considered and decided one way or the other. The Collector/ competent Nazul authority, as empowered by the Collector, shall consider and decide petitioners' application in accordance with law within a period of 60 days from the date of receipt of copy of this order. Further action towards eviction shall depend upon the outcome of petitioners' application and order that may be passed by the competent Nazul authority.

7. For a period of 60 days, the petitioners shall be entitled to protect their possession and no action shall be taken against them. The petition is accordingly finally disposed off.

Sd/-

Manindra Mohan Shrivastava

Judge