

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1627 of 2015

1. Kanchan Soni S/o Baban Ram Soni, Aged About 43 Years Occupation Business, R/o
Pratappur, Police Station, Post Office & Tahsil Pratappur, District Surajpur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Collector Surajpur, District Surajpur (Chhattisgarh)

2. Sub Divisional Officer (Revenue), Pratappur, Tahsil Pratappur, District Surajpur
Chhattisgarh

3. Chief Executive Officer, Jila Panchayat Surajpur, District Surajpur, (Chhattisgarh)

4. Chief Executive Officer, Janpad Panchayat Pratappur, District Surajpur Chhattisgarh

---- Respondents

For Petitioner.
For Respondent/State.

: Ms. Neha Verma, Advocate.
: Shri Vinod Tekam, panel Lawyer.

Order On Board

15/09/2015

Heard.

1. The petitioner is aggrieved by the notice dated 03.08.2015 Annexure P-1 by which she has been asked to vacate the premises within 2 days.
2. Learned counsel for the petitioner submits that even though there is no specific order for allotment in favour of the petitioner, the petitioner was attorned as tenant of the respondents and she has been paying rent which has been accepted by Janpad Panchayat Pratappur therefore, the petitioner is a tenant of Janpad Panchayat.
3. After going through the document filed alongwith the petition, it is found that though there is no order of allotment of any shop in favour of the petitioner by any competent authority in accordance with the Provisions of the Panchayat Raj Adhiniyam and rules made thereunder, the Panchayat authority have been collecting rent from the petitioner. Therefore, prima facie, the

petitioner's claim to be in authorised possession does not appear to be frivolous. The impugned notice which has been issued to the petitioner is without making enquiry into these aspects., Therefore, it needs to be directed to respondent no. 4 to consider petitioner's claim of she being in authorised possession as a tenant.

4. Petitioner may submit detailed representation in this regard alongwith monthly rent receipt to Chief Executing Officer. If it is held that the petitioner was allowed to occupy and rent has been recovered from her, she would not be evicted except in accordance with the procedure established by law.

5. Accordingly, the petition is disposed off.

Sd/-

Manindra Mohan Shrivastava

Judge

Amita