

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(C) No. 482 of 2015

1. Durpati Patel W/O Om Patel Aged About 40 years Occupation Labourer, R/O Ward No. 18/ Bazar Para Bemetara, Civil & Revenue District Bemetara Chhattisgarh
2. Ohm Prakash S/O Pratap Singh Patel Aged About 43 Years R/O Ward No. 18/ Bazar Para Bemetara, Civil & Revenue District Bemetara Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh & Ors. S/o Through Collector, Bemetara, District Bemetara Chhattisgarh
2. Collector Bemetara, District Bemetara Chhattisgarh
3. The Chief Municipal Officer Nagar Palika Parishad, Bemetara, District Bemetara Chhattisgarh

---- Respondents

For Petitioners:	Dr. NK. Shukla, Sr. Advocate along with Shri AD. Kuldeep, Advocate.
For Respondent No.1 & 2/State:	Shri Adhiraj Surana, Dy. GA.

Single Bench: Hon'ble Shri P. Sam Koshy, J
Order On Board

20/03/2015

The petitioners, through the writ petition are challenging the order Annexure P-1 whereby they have been asked to vacate the land which they are presently holding on the ground that as an alternative they have already been provided certain lands which the petitioners have, till date not taken possession of by submitting requisite fees and therefore, the impugned order Annexure P-1 was issued with a direction that in case they do not vacate the premises by 19.3.2015, they would be forcefully required to be removed from the said place.

2. A perusal of the submissions made by the petitioner in the petition and also on hearing the case, what is reflected is that the local body is trying to develop that area under the beautification plan and the place where the petitioners' present land is situated is nearer to a pond which they have asked to clear so that the area can also be beatified and it also appears that the respondents have taken due care of the petitioners and

have allotted alternative land on their complying certain requisite formalities including payment of fees which the petitioners have till date, not complied with and therefore, the impugned order was passed.

3. Considering the total facts and circumstances of the case and the local body issuing of the impugned order, this Court feels that it does not appear to be illegal in any manner. However, it is expected that before taking some coercive steps, the respondents/authorities shall ensure that the petitioners would be given sufficient opportunity to complete requisite formalities for moving to the land allotted to them.

4. Needless to mention that it does not confer any right upon the petitioners to remain at the present place without completing the requisite formalities as has been required by the State for any inordinately long period.

J U D G E

Priya