

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 776 of 2016

1. Amar Singh S/o Shri Leela Dhar Singh, Aged About 50 Years R/o Near Durga Mandir Moreshwer Rao Gadre Ward No. 53, Mathpuraina, Raipur, Tahsil & District Raipur Chhattisgarh
2. Narendra Kumar Sen, S/o Shri Manish M. Sen, Aged About 48 Years R/o Near Durga Mandir Moreshwer Rao Gadre Ward No. 53, Mathuraina, Raipur, Tahsil & District Raipur Chhattisgarh
3. Shivismurat Tiwari, S/o Late Shri Rajbali Tiwari, Aged About 46 Years R/o Near Durga Mandir, Moreshwer Rao Gadre Ward No. 53, Mathuraina, Raipur, Tahsil & District Raipur Chhattisgarh
4. Heera Bai Yadav, W/o Late Shri Pawan Yadav, Aged About 45 Years R/o Near Durga Mandir Moreshwer Rao Gadre Ward No. 53, Mathuraina, Raipur, Tahsil & District Raipur Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary Ministry Of Urban Development, D.K.S. Bhawan, Building, Mantralaya, Raipur, District Raipur Chhattisgarh
2. Collector, Raipur, District Raipur Chhattisgarh
3. Municipal Corporation Of Raipur Through Its Commissioner, Municipal Corporation, Raipur Chhattisgarh
4. Zone Commissioner, Zone No. 6, Municipal Corporation, Raipur, District Raipur Chhattisgarh

---- Respondents

Shri Yogesh Pandey, counsel for the petitioner/s.
Shri Satish Gupta, Govt. Advocate for the State on advance copy.
Shri Pankaj Agrawal, counsel for respondents 3 and 4 on advance copy.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

30/03/2016

Petitioners have approached this Court seeking relief to restrain respondents from dispossession from plots validly allotted to them by way of lease under M.P. Nagiriya Kshetron ke Bhumiheen Vyakti (Pattadhriti Adhikaro

ka Pradan Kiya Jana) Adhiniyam, 1984.

2. Learned counsel for the petitioner submits that the petitioner was issued a notice to disclose the document of his title / interest over the land in possession on 02/02/2016, in response to which, the petitioner submitted reply in writing on 08/02/16 along with the copy of lease deed, receipts of payment to Corporation and NOC given by the Sarpanch for construction of building.

3. According to learned counsel for the petitioners, the petitioners have approached this Court because they are apprehending that the respondents together or individually may proceed to dispossess the petitioners by demolishing the structure raised on the leased premise.

4. Learned counsel for the State and Corporation both submit that the respondent had already issued notice to the petitioners to disclose the title / interest over the land and the petitioners have submitted representation, which is under consideration and appropriate decision shall be taken on the same and at present, the petition has been filed only on the basis of apprehension.

5. Prima facie, it appears that the petitioners are lessee under the provisions of the Act of 1984. Therefore, it is a matter which requires serious consideration by the authority / respondents 2 and 3 before taking any coercive action against the petitioners.

6. Let respondents 3 and 4 consider the matter and pass speaking order on petitioner's representation with due communication to the petitioners. In case grievance of the petitioners is not redressed, it would be open for them to take recourse to appropriate remedy available under the law.

7. It is made clear that no action or demolition shall take place without decision in the matter as directed above.

8. Petition is accordingly finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge