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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 311 of 2016**

Chhotu Yadav S/o Kanhai Yadav, aged about 75 years, R/o Nutan Chowk, Sarkanda, Police Station and Post Sarkanda, Civil and Revenue District Bilaspur, Chhattisgarh.

---- Appellant**Versus**

1. State of Chhattisgarh Through : Secretary, Urban Administration Development Department, Mahanadi Bhawan, Mantralaya, Capital Complex, Naya Raipur, District Raipur (Chhattisgarh)
2. Commissioner, Municipal Corporation, Bilaspur, Police Station Civil Lines, Civil & Revenue District Bilaspur (Chhattisgarh)
3. Municipal Corporation, Bilaspur, Through : Its Commissioner, Municipal Corporation, Bilaspur, Police Station Civil Lines, Civil & Revenue District Bilaspur (Chhattisgarh)
4. Union Of India, Through Secretary, Ministry of Housing And Urban Property Alleviation, New Delhi, India

---- Respondents

For Appellant	: Shri Vaibhav Goverdhan, Advocate.
For Respondent/State	: Shri A.S.Kachhwaha, Additional Advocate General.
For Respondent/UoI	: Shri R.K.Gupta, Standing Counsel.

Hon'ble Shri Deepak Gupta, Chief Justice
Hon'ble Shri P. Sam Koshy, J.

Order on Board**Per Deepak Gupta, Chief Justice****07/07/2016**

1. This appeal is directed against the judgment dated 11.04.2016 passed in Writ Petition (C) No. 1061 of 2014 whereby the learned Single Judge has rejected the writ petition filed by the Appellant-writ petitioner.
2. The Appellant was residing at Nutan Chowk, Sarkanda Area, Bilaspur. It is not disputed that the Appellant/his predecessor was granted land on lease in this area in the year 1984. It is also not disputed that this area was a slum. The

Central Government has made funds available to the State Government and Municipal Corporations to rehabilitate the slum dwellers in properly constructed houses. In Bilaspur town, such houses to rehabilitate the persons belonging to economically weaker sections of the Society have been constructed in Imlibhata, Vijyapuram, Palm Enclave near Science College, Nehru Nagar, near Dabripura Science College, Ashok Nagar, Radhika Vihar, Phase-2 and Harshringar.

3. The Appellant along with other residents of Nutan Chowk area were asked to shift to the houses constructed in Imlibhata. They refused to do so and filed writ petitions and raised various contentions but in view of subsequent development of demolition of their houses, it is not necessary to deal with all the contentions.

4. It would suffice to mention that the learned Single Judge rejected the writ petition filed by the Appellant and other similarly situated persons on various grounds. In all the writ petitions, one finding which was arrived is that all the writ petitioners were in possession of the land much beyond the land leased out to them. The Learned Single Judge while dismissing the writ petitions, gave liberty to the writ petitioners to avail the facility of obtaining allotment of house at Imlibhata or at any other project of similar nature wherein similar houses are ready for allotment by complying the terms of allotment.

5. We have been informed by Shri Goverdhan, learned counsel for the Appellant that in fact on 14th June, 2016 house of Appellant situated at Nutan Chowk has been demolished and now he is praying for proper rehabilitation for the Appellant.

6. His prayer in this regard is that the Appellant is a very poor person having work near the Nutan Chowk area and therefore, he desires to be accommodated in any colony near Nutan Chowk.

7. We are inclined to agree with the Appellant only to the limited extent that if

any house is available for the residential purposes near Nutan Chowk or any nearby area, then the Municipal Corporation, Bilaspur should make an attempt to accommodate him. However we cannot give any direction that the Appellant be accommodated at a place of his choice. We find that that there are 8 alternative locations i.e Imlibhata, Vijyapuram, Palm Enclave near Science College, Nehru Nagar, near Dabripara Science College, Ashok Nagar, Radhika Vihar, Phase-2 and Harshringar, in which number of houses are lying vacant and the Appellant can be accommodated therein. If the Appellant has not occupied any house in the above-stated area, then he can file application that he be allotted the houses in a particular Colony and the Municipal Corporation, Bilaspur shall make efforts to give accommodation in a place of his choice. However, in case more number of persons apply for one area than the houses available, then the Municipal Corporation, Bilaspur shall make allotment by draw of lots.

8. We make it clear that priority should be given to those persons who have not approached the Court challenging the action on the part of Municipal Corporation and the State Government and thereafter the claim of the Appellant shall be considered.

9. With the aforesaid observations, the appeal is disposed of.

Sd/-
(Deepak Gupta)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE