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HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1518 of 2016**

1. Rajesh Shrivastava S/o Late Shri Ramchandan Shrivastava, Aged About 46 Years R/o Ambedkar Nagar, Katora Talab, Ward No. 42, Civil Lines Raipur, District Raipur, (Chhattisgarh) 492001
2. Smt. Nirmala Devi Ganjir, W/o Bhau Lal Ganjir, Aged About 60 Years R/o Ambedkar Nagar, Ward No. 42, Katora Talab, Civil Lines, Raipur, District Raipur, (Chhattisgarh), 492001
3. Kamla Bai Nishad, W/o Ramavtar Nisha Nishad, Aged About 55 Years R/o Ambedkar Nagar, Ward No. 42, Katora Talab, Civil Lines, Raipur, District Raipur, (Chhattisgarh), 492001
4. Madan Lal Nagarchi, S/o Kejuram Nagarchi, Aged About 45 Years R/o Ambedkar Nagar, Ward No. 42, Katora Talab, Civil Lines, Raipur, District Raipur, (Chhattisgarh), 492001
5. Gauri Bai Dhritlahare, W/o Vishrudas Dhritlahare, Aged About 60 Years R/o Ambedkar Nagar, Ward No. 42, Katora Talab, Civil Lines, Raipur, District Raipur, (Chhattisgarh), 492001
6. Bholanath Sen, S/o Shri Ratanlal Sen, Aged About 55 Years R/o Ambedkar Nagar, Ward No. 42, Katora Talab, Civil Lines, Raipur, District Raipur, (Chhattisgarh), 492001
7. Jahid Ullah Khan, S/o Salim Khan, Aged About 60 Years R/o Ambedkar Nagar, Ward No. 42, Katora Talab, Civil Lines, Raipur, District Raipur, (Chhattisgarh), 492001

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Urban Administration And Development, Mahanadi Bhawan, Mantralaya, Naya Raipur, Tahsil & District Raipur, (Chhattisgarh)
2. Zone Commissioner, Municipal Corporation Of Raipur, District Raipur, (Chhattisgarh)
3. Commissioner, Municipal Corporation Of Raipur, District Raipur,

---- Respondent**And****WPC No. 1515 Of 2016**

1. Jagdish Yadav S/o Late Dukhitram Yadav, Age 59 Years
2. Babulal Jalchatri, S/o Late Thanuram Jalchatri, Age 56 Years

Both having houses at Ambedkar Nagar, Civil Line, Ward # 42, Katora Talab, Raipur, CG

---- Petitioner

Vs

1. State Of Chhattisgarh Through Collector, Raipur.
2. Nagar Palika Nigam, Raipur, Through Its Commissioner.

---- Respondent

For Respective Petitioners : Shri Sunil Otvani and Shri Raja Sharma, Adv.
For Respondent/State : Shri Arun Sao, Deputy Advocate General.
For Respondent/Corporation : Shri Pankaj Agrawal, Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

15/06/2016

1. Petitioners in both the Writ Petitions excluding petitioner No.2 Smt. Nirmala Devi Ganjir and petitioner No.7 Jahid Ullah Khan in WPC No.1518/2016 were granted lease of land for residential purposes under the provisions of Madhya Pradesh Nagriya Kshetro Ke Bhumiheen Vyakti (Pattadhruti Adhikaro Ka Pradan Kiya Jana) Adhiniyam, 1984 (henceforth 'the Adhiniyam, 1984'). As the State Government was in need of the said land for carrying out development work including the work of beautification, the lease has been cancelled and the Municipal Corporation, Raipur has served notice on each of the petitioners for removing encroachment within 24 hours failing which the Corporation shall demolish construction and the expenses

thereof shall also be recovered.

2. It is argued by learned counsel for the petitioners that they are not rank trespassers inasmuch as they were settled by the Government in exercise of statutory powers under the Adhiniyam, 1984, however, they are likely to be rendered homeless after cancellation of the lease in an illegal and arbitrary manner.
3. In WPC No.1515/2016, the order canceling the lease has also been challenged, however, the said challenge is not thrown in WPC No.1518/2016.
4. Be that as it may, at the outset, Shri Pankaj Agrawal, learned counsel appearing for the Municipal Corporation, Raipur would fairly submit, on telephonic instructions, that all the writ petitioners excluding petitioner No.2 Smt. Nirmala Devi Ganjir and petitioner No.7 Jahid Ullah Khan in WPC No.1518/2016 will be settled by allotting houses under the BSUP Scheme. He would also submit that the petitioners shall not be evicted from the present premises without making any allotment in their favour because the writ petitioners excluding petitioner No.2 Smt. Nirmala Devi Ganjir and petitioner No.7 Jahid Ullah Khan in WPC No.1518/2016 were earlier settled by grant of lease.
5. In respect of petitioner No.2 Smt. Nirmala Devi Ganjir and petitioner No.7 Jahid Ullah Khan in WPC No.1518/2016, Shri Agrawal would also submit that both the writ petitioners may prefer representation before the Municipal Corporation and in such eventuality, the

Corporation shall consider the representation and pass appropriate order to make all possible endeavour to allot them alternative accommodation, if any such accommodation is available under any Government scheme and till the order on representation is made, these two petitioners shall also not be evicted from the present premises.

6. In view of the statement made by learned counsel appearing for the Municipal Corporation, Raipur, no further direction is needed in these writ petitions. They are accordingly disposed of in terms of the statement made by learned counsel for the Municipal Corporation, Raipur.
7. Learned counsel for the petitioners in WPC No.1515/2016 would pray for return of original copy of Annexure-P/1 & P/2 which were served on the petitioners through affixation and has wrongly been annexed in original with the Writ Petition.
8. Let Annexure-P/1 & P/2 in WPC No.1515/2016 be returned to learned counsel for the petitioners on supplying xerox copy thereof.
9. Shri Pankaj Agrawal, learned counsel appearing for the Municipal Corporation, Raipur undertakes to inform the Municipal Corporation about this order today itself.

Sd/-
Judge
(Prashant Kumar Mishra)