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HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2131 of 2016

- Ku. Zarina Praveen D/o Hamid Khan, Aged About 40 Years R/o V.V. Vihar, Street No. 3, Mowa Raipur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Ministry Of Urban Administration & Development, Mahanadi Bhavan, Capital Complex, Naya Raipur Chhattisgarh
2. Collector & District Registrar, Raipur Chhattisgarh
3. Municipal Corporation Raipur, Through Its Commissioner, Municipal Corporation Raipur Chhattisgarh
4. Zonal Commissioner, Zonal No 4, Municipal Corporation Raipur Chhattisgarh

---- Respondent

And

WPC No. 2136 Of 2016

- Jivan Lal Patel S/o Mr. Satruhan Lal Patel, Aged About 46 Years R/o Daldalshivni, Raipur, (Chhattisgarh)

---- Petitioner

Vs

1. State Of Chhattisgarh Through Ministry Of Urban Administration & Development, Mahanadi Bhavan, Capital Complex, Naya Raipur, (Chhattisgarh)
2. Collector Cum District Registrar, Raipur, (Chhattisgarh)
3. Municipal Corporation, Raipur, Through Its Commissioner, Municipal Corporation, Raipur, (Chhattisgarh)
4. Zonal Commissioner, Zonal No.4, Municipal Corporation, Raipur, (Chhattisgarh)

---- Respondent

And

WPC No. 2135 Of 2016

- Sayyad Kumar Ali S/o Sayyad Gulam Ali, Aged About 38 Years R/o Bayron Bazar, Raipur, (Chhattisgarh)

---- **Petitioner**

Vs

1. State Of Chhattisgarh Through Ministry Of Urban Administration & Development, Mahanadi Bhavan, Capital Complex, Naya Raipur, (Chhattisgarh)
2. Collector Cum District Registrar, Raipur, (Chhattisgarh)
3. Municipal Corporation, Raipur, Through Its Commissioner, Municipal Corporation, Raipur, (Chhattisgarh)
4. Zonal Commissioner, Zonal No.4, Municipal Corporation, Raipur, (Chhattisgarh)

---- **Respondent**

And

WPC No. 2132 OF 2016

- Bhupendra Sharma S/o Mr. Pawan Kumar Sharma, Aged About 37 Years R/o Near Sahu Shaw Mil, Pandari Tarai, Raipur, (Chhattisgarh)

---- **Petitioner**

Vs

1. State Of Chhattisgarh Through Ministry Of Urban Administration & Development, Mahanadi Bhavan, Capital Complex, Naya Raipur, (Chhattisgarh)
2. Collector Cum District Registrar, Raipur, (Chhattisgarh)
3. Municipal Corporation, Raipur, Through Its Commissioner, Municipal Corporation, Raipur, (Chhattisgarh)
4. Zonal Commissioner, Zonal No.4, Municipal Corporation, Raipur, (Chhattisgarh)

---- **Respondent**

And

WPC No. 2133 OF 2016

- Rameshwar Prasad Verma S/o Mr. Ganesh Ram Verma, Aged About 49 Years R/o Pandri Tarai, Raipur, (Chhattisgarh)

---- **Petitioner**

Vs

1. State Of Chhattisgarh Through Ministry Of Urban Administration & Development, Mahanadi Bhavan, Capital Complex, Naya Raipur, (Chhattisgarh)
2. Collector Cum District Registrar, Raipur, (Chhattisgarh)
3. Municipal Corporation, Raipur, Through Its Commissioner, Municipal Corporation, Raipur, (Chhattisgarh)
4. Zonal Commissioner, Zonal No.4, Municipal Corporation, Raipur, (Chhattisgarh)

---- Respondent

And

WPC No. 2134 OF 2016

- Sunita Chouhan W/o Devendra Singh Chouhan, Aged About 40 Years R/o Hanuman Gudi, Awadhiyapara, Raipur, (Chhattisgarh)

---- Petitioner

Vs

1. State Of Chhattisgarh Through Ministry Of Urban Administration & Development, Mahanadi Bhavan, Capital Complex, Naya Raipur, (Chhattisgarh)
2. Collector Cum District Registrar, Raipur, (Chhattisgarh)
3. Municipal Corporation, Raipur, Through Its Commissioner, Municipal Corporation, Raipur, (Chhattisgarh)
4. Zonal Commissioner, Zonal No.4, Municipal Corporation, Raipur, (Chhattisgarh)

---- Respondent

And

WPC No. 2142 OF 2016

- Mohhmed Arshad Khan S/o Mr. Abdul Jabbar Khan, Aged About 24 Years R/o Nayapara, Raipur Chhattisgarh

---- Petitioner

Vs

1. State Of Chhattisgarh Thorough Ministry Of Urban Administration & Development, Mahanadi Bhavan, Capital Complex, Naya Raipur Chhattisgarh

2. Collector cum District Registrar, Raipur Chhattisgarh
3. Municipal Corporation Raipur, Through Its Commissioner, Municipal Corporation Raipur Chhattisgarh
4. Zonal Commissioner, Zonal No 4, Municipal Corporation Raipur Chhattisgarh

---- Respondent

And

WPC No. 2141 OF 2016

- Suresh Golchha S/o Mr. Sameer Mal Ji Golchha, Aged About 44 Years R/o Sadar Bazar, Raipur Chhattisgarh

---- Petitioner

Vs

1. State Of Chhattisgarh Through Ministry Of Urban Administration & Development, Mahanadi Bhavan, Capital Complex, Naya Raipur Chhattisgarh
2. Collector cum District Registrar, Raipur Chhattisgarh
3. Municipal Corporation Raipur, Through Its Commissioner, Municipal Corporation Raipur Chhattisgarh
4. Zonal Commissioner, Zonal No 4, Municipal Corporation Raipur Chhattisgarh

---- Respondent

And

WPC No. 2140 OF 2016

- Uday Ram Sonkar S/o Pusau Ram Sonkar, Aged About 47 Years R/o Village Bhatgaon, Raipur, Chhattisgarh

---- Petitioner

Vs

1. State Of Chhattisgarh Thorugh Ministry Of Urban Administration & Development, Mahanadi Bhavan, Capital Complex, Naya Raipur Chhattisgarh
2. Collector cum District Registrar, Raipur Chhattisgarh
3. Municipal Corporation Raipur, Through Its Commissioner, Municipal Corporation Raipur Chhattisgarh

4. Zonal Commissioner, Zonal No 4, Municipal Corporation Raipur Chhattisgarh

---- Respondent

And

WPC No. 2149 Of 2016

- Lalit Kumar Sahu S/o Thakur Ram Sahu, Aged About 35 Years R/o Shiv Chowk, Lalpur, Raipur Chhattisgarh

---- Petitioner

Vs

1. State Of Chhattisgarh Thorugh Ministry Of Urban Administration & Development, Mahanadi Bhavan, Capital Complex, Naya Raipur Chhattisgarh
2. Collector cum District Registrar, Raipur Chhattisgarh
3. Municipal Corporation Raipur, Through Its Commissioner, Municipal Corporation Raipur Chhattisgarh
4. Zonal Commissioner, Zonal No 4, Municipal Corporation Raipur Chhattisgarh

---- Respondent

And

WPC No. 2148 Of 2016

- Shiv Kumar Nirmalkar S/o Bisauha Ram Nirmalkar, Aged About 43 Years R/o Dharamnagar, Tikarapara Raipur Chhattisgarh

---- Petitioner

Vs

1. State Of Chhattisgarh Through Ministry Of Urban Administration & Development, Mahanadi Bhavan, Capital Complex, Naya Raipur Chhattisgarh
2. Collector cum District Registrar, Raipur Chhattisgarh
3. Municipal Corporation Raipur, Through Its Commissioner, Municipal Corporation Raipur Chhattisgarh
4. Zonal Commissioner, Zonal No 4, Municipal Corporation Raipur Chhattisgarh

---- Respondent

And

WPC No. 2150 OF 2016

- Rajesh Kumar Soni S/o Mr. Mannu Lal Ji Soni, Aged About 46 Years R/o Nayapara Near Sanskarit Pathshala, Raipur Chhattisgarh

---- Petitioner

Vs

1. State Of Chhattisgarh Through Ministry Of Urban Administration & Development, Mahanadi Bhavan, Capital Complex, Naya Raipur Chhattisgarh
2. Collector cum District Registrar, Raipur Chhattisgarh
3. Municipal Corporation Raipur, Through Its Commissioner, Municipal Corporation Raipur Chhattisgarh
4. Zonal Commissioner, Zonal No 4, Municipal Corporation Raipur Chhattisgarh

---- Respondent

For Petitioners	Mr. Ankur Agarwal and Mr. Raza Ali, Advocates
For Respondent/ State	Mr. Arun Sao, Dy. AG.
For Respondent/ Municipal Corporation	Mr. Pankaj Agarwal, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

24/8/2016

1. The petitioners are either Stamp Vendors or *Arjinavis* working in the Tehsil premises, Raipur. They are aggrieved by notices issued to them by Municipal Corporation, Raipur on 28-6-2016 for removing the encroachment allegedly made by them in the Tehsil premises.

2. It is argued that the Stamp Vendors have been issued license by the Collector of Stamps, Raipur, where their place of working is mentioned as Tehsil premises, Raipur, therefore, they are entitled to occupy some place within the Tehsil premises. It is further argued that the Stamp Vendors as well as the *Arjinavis* are presently working under a shed in the subject premises, in which, they have been permitted to make repairs in the year 2000 by an order passed by the Deputy Collector, Raipur for the Collector, Raipur, therefore, the petitioners are entitled to remain in occupation and they cannot be treated as encroachers.
3. Per contra, learned State counsel and learned counsel for the Municipal Corporation, Raipur as well would argue that there being no order of allotment or even permission in favour of any of the petitioners to occupy the premises, the petitioners have no right to remain in occupation and they have rightly been issued notice for removing the encroachment.
4. Having considered the rival submissions and for the fact that the petitioners appear to be working as Stamp Vendors or *Arjinavis* from the subject premises for quite some time, it is deemed appropriate to dispose of the writ petitions with direction that in the event, the petitioners move representations before the concerned Collector within a period of two weeks from today, the Collector shall decide the representations in accordance with law, on its own merits, within a further period of two weeks.

5. Till the representations are considered by the Collector or for a period of four weeks from today, which ever is earlier, the petitioners shall not be removed from the subject premises, if already not removed.

6. The writ petitions are accordingly disposed of.

Sd/-

Judge

(Prashant Kumar Mishra)

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