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HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2175 of 2016

- Balmukund Yadav S/o Late Kanhaiya Lal Yadv, Aged About 48 Years R/o Gudhiyari, Raipur Chhattisgarh

---- Petitioner

Versus

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. 2184 Of 2016

- Gulam Dastgeer Khan S/o Mr. Gulam Usman Khan, Aged About 42 Years R/o 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. 2181 Of 2016

- Amzad Khan S/o Hamid Khan, Aged About 37 Years R/o Pragati Nagar, Pandari, 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. 2176 OF 2016

- Mukesh Kumar Sahu S/o Mr. Nohar Lal Sahu, Aged About 27 Years R/o Daldalsivani, Post Saddu, 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. 2182 OF 2016

- Pramod Singh S/o Vijay Singh Thakur, Aged About 48 Years R/o Purani Basti , 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. 2179 OF 2016

- Jayanti Lal Patel S/o Mr. Satruhan Lal Patel, Aged About 42 Years R/o Daldalsivani 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, Advocate
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

29/8/2016

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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