

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No.2191 of 2016

- Gauri Shankar Soni, aged about 36 years, S/o Rangu Lal Soni, resident of Purani Basti, Raipur (CG)

---- 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

For Petitioner	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

30/8/2016

1. The petitioner is either Stamp Vendor or *Arjinavis* working in the Tehsil premises, Raipur. He is aggrieved by the notice issued to him by Municipal Corporation, Raipur on 28-6-2016 for removing the encroachment allegedly made by him 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 petitioner is entitled to remain in occupation and he cannot be treated as encroacher.
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 the petitioner to occupy the premises, the petitioner has no right to remain in occupation and he has rightly been issued notice for removing the encroachment.
4. Having considered the rival submissions and for the fact that the petitioner appears to be working as Stamp Vendor or *Arjinavis* from the subject premises for quite some time, it is deemed appropriate to dispose of the writ petition with direction that in the event, the petitioner moves representation before the concerned Collector within a period of two weeks from today, the Collector shall decide the representation in accordance with law, on its own merits, within a further period of two weeks.

5. Till the representation is considered by the Collector or for a period of four weeks from today, which ever is earlier, the petitioner shall not be removed from the subject premises, if already not removed.
6. The writ petition is accordingly disposed of.

Sd/-

Judge

(Prashant Kumar Mishra)

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