

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPC No. 1258 of 2017**

1. Ravi Goyal S/o Shri Sagar Man Goyal, Aged About 88 Years R/o Village Chandrapur, Tahsil Dabhra, District Janjgir Champa (Chhattisgarh)
2. Mohan Nishad, S/o Shri Badan Nishad, Aged About 38 Years R/o Village Chandrapur, Tahsil Dabhra, District Janjgir Champa (Chhattisgarh)
3. Smt. Gurubari Mehar, W/o Dulamani Mehar, Aged About 60 Years R/o Village Chandrapur, Tahsil Dabhra, District Janjgir Champa (Chhattisgarh)
4. Smt. Bhagmati Patel, W/o Suresh Patel, Aged About 35 Years R/o Village Chandrapur, Tahsil Dabhra, District Janjgir Champa (Chhattisgarh)

**---- Petitioners**

**Versus**

1. State Of Chhattisgarh Through : The Secretary, Department Of Revenue, Mahanadi Bhawan New Mantralaya, Naya Raipur (Chhattisgarh)
2. Collector, Janjgir, District Janjgir Champa (Chhattisgarh)
3. Chief Municipal Officer, Nagar Panchayat Chandrapur, District Janjgir Champa (Chhattisgarh)
4. Station House Officer, Police Station Chandrapur, District Janjgir Champa (Chhattisgarh)

**---- Respondents**

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|-----------------|---|--------------------------------------|
| For Petitioners | : | Shri Sanjay Patel, Advocate          |
| For State       | : | Shri Dhiraj Wankhede, Govt. Advocate |

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**Hon'ble Shri Justice Manindra Mohan Shrivastava**

**Order On Board**

**05/05/2017**

1. Heard.
2. The petitioners have preferred this petition against various notices of eviction against the petitioners on the allegation that the petitioners have encroached upon the vacant land around the temple premises.

Though, learned counsel for the petitioners sought to justify their occupation, in the absence of there being any order of allotment by any competent authority in favour of the petitioners, I do not find that the petitioners are entitled any protection against the notices of removal. Learned counsel for the petitioners, however, submits that the petitioners are poor persons earning their livelihood in temporary shop just outside the premises of the temple and if they are removed, they would suffer serious hardship.

3. While the illegal possession of the petitioners cannot be protected against the law, at the same time, plight of poor persons cannot be ignored. Striking balance between the two. I deem it expedient to direct the respondent No. 3 to consider whether the petitioners, occupant of small shops, could be considered for providing small place in nearby vicinity/providing small gumtees, so that they may run their small business to earn their livelihood. This can be considered by the respondent No. 2 within a period of two months from the date of receipt of copy of this order. Accordingly, petition is disposed off.

Sd/-

(Manindra Mohan Shrivastava)  
Judge