

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (C) No.541 of 2014

Kuldeep Singh, aged about 52 years, S/o late Shri Bodhan Singh,
Occupation Driver, Department of Water Resources, R/o Old Irrigation
Colony, Janjgir, P.S. Janjgir, Civil and Revenue District Janjgir-
Champa (C.G.)

(Appellant)
---- Petitioner

Versus

1. State of Chhattisgarh, Through the Secretary, Department of Water Resources, Mahanadi Bhawan, Naya Raipur, District Raipur (C.G.)
2. The Collector, Janjgir, District Janjgir-Champa (C.G.)
3. Sub-Divisional Officer, Competent Authority, Lok Parisar (Bedakhali) Adhiniyam, Janjgir, District Janjgir-Champa (C.G.)

(Non-appellants)
---- Respondents

For Petitioner: Mr. Sushobhit Singh, Advocate.
For Respondents/State: Mr. Anand Dadariya, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

18/07/2018

1. Heard.
2. Authorised Officer-cum-Sub-Divisional Officer under the Chhattisgarh Lok Parisar (Bedakhali) Adhiniyam, 1974 (for short, 'the Act of 1974') passed an order under Section 4(1) of the Act of 1974 directing the petitioner to vacate the premises which was challenged by the petitioner in appeal before the Collector and the Collector dismissed the appeal affirming the order of the SDO leading to filing of the instant writ petition.
3. Learned counsel for the petitioner submits that no notice under Section 4(1) of the Act of 1974 in Form A was issued to the petitioner

to show cause and straightway, the order impugned was passed for eviction.

4. Learned State counsel submits that in fact, the order Annexure P-2 was a notice and thereafter, the petitioner has been heard by the SDO.
5. I have perused the record.
6. It appears that though notice under Section 4(1) of the Act of 1974 in Form A was required to be issued, but order was issued vide Annexure P-2 for eviction of the petitioner as such, no notice under Section 4(1) in Form A was issued for showing cause, therefore, the proceeding is in violation of Section 4(1) of the Act of 1974. In these circumstances, the order of the Collector as well as the order issued for eviction are quashed. The matter is restored to the file of the SDO for proceeding afresh in accordance with law after issuing notice as required under Section 4(1) of the Act of 1974. The aforesaid exercise shall be completed within a period of 45 days from the date of receipt of a copy of this order.
7. The writ petition is allowed to the extent indicated herein-above. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge