

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1543 of 2019

Sambhu Gupta S/o Late Ram Bilash Sah Aged About 52 Years R/o Ward No. 8, Balrampur Police Station And Tahsil - Balrampur District Balrampur - Ramanujganj Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through - The Secretary, Department Of Revenue Mahanadi Bhawan New Raipur District Raipur Chhattisgarh
2. The Collector Balrampur District Balrampur - Ramanujganj Chhattisgarh
3. The Sub Divisional Officer (Revenue) Ramanujganj District Balrampur - Ramanujganj Chhattisgarh
4. The Chief Municipal Officer Nagar Palika Parishad Balrampur District Balrampur Ramanujganj Chhattisgarh
5. The Sub Divisional Officer Public Work Department Division Balrampur District Balrampur - Ramanujganj Chhattisgarh

---- Respondents

For Petitioner : Mr. A.N. Pandey, Advocate
For Respondents : Mr. Avinash Singh, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

01.05.2019

Heard

1. Learned counsel for the petitioner assailed the notice dated 05.04.2019 issued to the petitioner by the Collector Balrampur, to show cause as to why the lease granted to him may not be cancelled. Learned counsel for the petitioner submits that earlier while constructing the road, the land of the petitioner was acquired without any compensation which led to a dispute.
2. Subsequently, in order to arm twist, the show cause notice dated 05.04.2019 has been issued to cancel the lease and this action was taken as suo motu by the Collector. Learned counsel places reliance on **1999 RN 82** passed by the High

Court in the case of **Sitaram vs. State of M.P. & Others** and submits that in the likewise situation, the Court has laid down that the permanent lease granted to the petitioner cannot be cancelled suo motu. Be that as it may. The Annexure P/1 is a show cause notice dated 05.04.2019. The petitioner may file the reply to show cause wherein he shall be at liberty to draw the attention of the ratio laid down in **1999 RN 82** and the Collector thereafter shall be obliged to decide the same on merits while appreciating the submission made by the petitioner and shall give opportunity of fair hearing.

3. Since the summer vacation is ensuing, therefore, it is directed that the concerned respondent authority shall decide the case within a period of three months from the date of presentation of copy of this order. And till then, the superstructure of the petitioner shall not be demolished till further for a period of one month from date of such order in case the demolition order is made. The petitioner thereafter shall be at liberty to any legal remedy available to him under the law.
4. With such observations, the petition stands disposed of.

Sd/-
(Goutam Bhaduri)
Judge