

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1795 of 2019**

- Ramesh Verma S/o Shri Beekham Verma Aged About 43 Years R/o Gram-Khandwa, Atal Nagar, New Raipur, Chhattisgrh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Urban Administration, Government Of Chhattisgarh, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, Chhattisgarh.
2. Atal Nagar (Naya Raipur) Development Authority Through Its Chairman And Chief Executive Officer, Having Its Office At Paryawaas Bhawan, North Block, Sector-19, Atal Nagar, Raipur, Chhattisgarh.- 492002
3. The Collector District- Raipur, Chhattisgarh
4. Union Of India Through The Secretary, Ministry Of Housing And Urban Affairs, New Delhi. India

---- Respondents

For Petitioner	:	Shri Sharad Mishra, Advocate
For Respondents/State	:	Shri Ashish Surana, PL
For Respondent No.2	:	Shri Anumeh Shrivastava, Advocate
For Respondent No.4/UOI	:	Shri S.K. Dewangan, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****16/05/2019**

1. Heard.
2. The petitioner has approached this Court for the reason that the petitioner is the occupant of the land bearing Khasra No.599 situated at Village Khandwa, Tehsil Raipur and he is residing there after construction of the house for the last 40 to 50 years. The respondent No.2 directed the petitioner to remove his structure constructed over the said land. It is stated that the petitioner was assured that he would be rehabilitated after the area was enveloped within Naya Raipur. It is

stated that the petitioner is a poor landless person and is in need of shelter as necessity of life and he cannot be thrown out by the administration which is a part of the welfare of the State without providing any alternative place for living with his family by making allotment of small plots to construct a shelter for him.

3. Learned State counsel would submit that the petitioner has not placed on record any documents to show that the petitioner has occupied the land Khasra No.599, however, still it will be open to the petitioner to satisfy them to fortify his claim.
4. In the absence of any material on record, learned counsel for the petitioner not being in a position to produce any authority under which, the petitioner has occupied the government land, this Court cannot protect against the action of removal of encroachment and no direction can be issued to protect the petitioner.
5. At the same time the petitioner being poor landless person when have no land in his hand for his shelter, this Court would certainly observe that the petitioner may approach the competent authority of the State or NRDA for allotment of small plot under any scheme for allotment of plots/houses/affordable houses to landless persons, subject to petitioner being eligible for such allotment. If such application are made, the authority may examine and provide such relief as may be feasible to the petitioner. It is made clear that such consideration shall not take place unless petitioner vacate the subject land.

Sd/-

Goutam Bhaduri
Judge

Ashu