

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2074 of 2019**

- Ratu S/o Lucky Aged About 60 Years R/o Village Natwar Nagar, Tahsil - Samri (Kusmi), P.S. Kusmi, District Balrampur-Ramanujganj Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh Through The Secretary Of The Revenue Department, Capital Complex Mahanadi Bhawan, Atal Nagar Raipur, District Raipur Chhattisgarh
2. The Collector Balrampur-Ramanujganj, District Balrampur-Ramanujganj Chhattisgarh
3. The Nayab Tahsildar Samri (Kusmi), District Balrampur-Ramanujganj Chhattisgarh

---- Respondents

For Petitioner : Shri Pramod Shrivastava, Advocate

For Respondents/State : Shri Aditya Bhardwaj, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****26/06/2019**

1. The present petition has been filed claiming the following reliefs:-

10.1 That this Hon'ble Court may kindly be pleased to call for the entire record pertaining to the present case.

10.2 That this Hon'ble Court may please to quash the

impugned order dated 22.05.2019 (Annexure P/1) passed by the Nayab-Tahsildar Samri (Kusmi), Tahsil Samri(Kusmi), District-Balrampur-Ramanujganj (C.G.)

10.3 That this Hon'ble Court may further be pleased to quash the Eviction Order Notice dated 12.06.2019 (ANNEXURE P2) issued by the Nayab - Tahsildar Samri (Kusmi), Tahsil-Samri (Kusmi), District-Balrampur-Ramanujganj (C.G.)

10.4 That this Hon'ble Court may further be pleased to direct the respondent authority to grant the lease to the petitioner or pass any other order in favour of petitioner as it may deem fit and proper under the facts and circumstances of the case with cost.

2. Perused the impugned order.
3. The petitioner claims that he is in the possession of the subject land for the last 50 years and the Gram Panchayat has also provided the electricity and other amenities and further the Indria Awas certificate has also been issued to them whereby they carry on their livelihood and is residing therein with his family. It is contended that, all of a sudden, if the petitioner is evicted, he will render homeless which would affect his livelihood.
4. Learned counsel further submits that the petitioner do not possess any house of his own and he belongs to a downtrodden

society and in a over night he cannot have his own arrangements, which will lead to eventual starvation.

5. Perused the order passed by the Land Revenue Authority. At the outset, I do not find any merit in the petition to entertain the same.
6. Considering the nature of the order passed, I do not find any illegality warranting interference in it. However since the petitioner has claimed that he is forced to vacate the house, and as claimed, he is in possession and enjoyment of the subject land for the last 50 years after construction of his house, the over night dispossession of the petitioner will definitely lead to irreparable injury besides the question of livelihood and shelter.
7. Under the facts situation of this case, it is directed that the petitioner, if so advised, shall make suitable application to the Collector to rehabilitate him according to the existing policy, if any. On such application being filed, the Collector may take recourse to such policy of the State for rehabilitating the petitioner elsewhere. However, considering the ensuing rainy season there shall be stay of the impugned order/ notice for a period of 6 weeks. The petitioner shall submit application to the Collector within a week from the date of receipt of a copy of this order which may be decided and considered by the Collector

within a further period of 4 weeks. With such observation the petition stand disposed of.

8. It is made clear that this order shall not be treated as precedent in future as this order has been passed in the peculiar facts and circumstances prevailing as on date.

Sd/-

(Goutam Bhaduri)
Judge

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