

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 4257 of 2019

1. Ram Kumar, S/o Ramlal, Aged About 32 Years, R/o Village Lawan, Police Station Lawan, District : Balodabazar-Bhathapara, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue, Mahanadi Bhawan, New Mantralaya, Naya Raipur, District : Raipur, Chhattisgarh
2. Collector, Baloda Bazar Bhatapara, District : Balodabazar-Bhathapara, Chhattisgarh
3. Chief Municipal Officer, Nagar Panchayat Lawan, District : Balodabazar-Bhathapara, Chhattisgarh
4. Tahsildar Baloda Bazar Bhatapara, District : Balodabazar-Bhathapara, Chhattisgarh
5. Up Tahsildar, Baloda Bazar Bhatapara, District : Balodabazar-Bhathapara, Chhattisgarh

Respondents

For Petitioner	:	Mr. A.D. Kuldeep, Advocate
For State	:	Mr. V.R. Tiwari, Additional A.G.

Hon'ble Shri Justice P. Sam Koshy
Order on Board

26.11.2019

1. The petitioner in the present Writ Petition is assailing the impugned notice dated 31.10.2019 (Annexure P-1) passed by the Respondent No. 3 directing the petitioner to evict the premises over which he is staying and has constructed his house.
2. The counsel for the petitioner submits that the petitioner is a landless and homeless person, since he had no land available with him, he

had constructed a 'Kuchcha' house on the said land, where he is residing for the last 20 years and he has also paid some tax in this regard to the Nagar Panchayat-Lawan, District: Baloda Bazar and the respondents, therefore, now cannot be permitted to initiate the eviction proceedings against him.

3. The petitioner further referred to the order passed by the respondent no. 3 dated 21.02.2019, whereby the respondent no. 3 had recommended to the Collector, the case of the petitioner for grant of lease/patta over the said land, where he is residing and had constructed a kuchcha house. It is pending this application/recommendation by the Respondent No. 3 that a fresh notice for removal of encroachment have been issued to the petitioner vide impugned notice dated 31.10.2019. Taking into consideration the fact that the petitioner does not have any cogent, strong document in his favour, so far as the land over which he has constructed a house and residing, this Court finds it difficult for granting any relief to the petitioner or to hold that the impugned notice Annexure P-1 to be bad-in-law.
4. However, considering the fact that the petitioner's case had already been recommended by the Respondent No. 3 vide his letter dated 21.02.2019 and the petitioner being a landless and homeless person, the Respondent No. 2 may consider the case of the petitioner on his moving an appropriate application before the Respondent No. 2 to consider grant of alternate piece of land in the village under the various schemes that are operational of the State

Government for grant of patta /lease etc. to the land less and homeless persons where they can settle-down and carry on with life.

5. Subject to the petitioner moving an application promptly to the Respondent No. 2. It is expected that the Respondent No. 2 shall take appropriate decision at the earliest, preferably within a period of 60 days.
6. Meanwhile, till the Collector takes a decision the respondents are restrained from forcefully evicting the petitioner from the place where he is residing. Accordingly, the present Writ Petition stands disposed-off.

**Sd/-
(P. Sam Koshy)
Judge**