

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (CIVIL) NO. 4200 OF 2019**

- Suritlal Sidar @ Suritram, S/o Nanhuram Sidar, age 48 years, R/o Baikunthpur, Raigarh, District Raigarh (CG)

... Petitioner**versus**

1. Municipal Corporation, Raigarh, District Raigarh (CG)
2. Nazul Officer, Nazul Office, Raigarh, District Raigarh (CG)
3. Collector, Collectorate Building, Raigarh, District Raigarh (CG)

... Respondents

For Petitioner	:	Mr. Amit Sharma, Advocate.
For Respondent-State	:	Mr. Somkant Verma, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****22/11/2019**

1. The present writ petition has been filed by the petitioner seeking for an appropriate direction to the respondents to allot small parcel of land for construction of his shop.
2. Learned counsel for the petitioner submits that the petitioner was earlier allotted a shop by the Municipal Corporation, Raigarh under the government scheme of Antya Vyavsayi Sahkari Vikash Yojna. While the petitioner was earning his livelihood from his shop allotted under the government scheme, the shop was taken back and demolished. The petitioner has alleged that he has no other land or shop to earn his livelihood. The counsel submits that the petitioner, having been allotted shop for his welfare under the government scheme, is entitled for consideration of allotment of alternative plot, if possible, on the same vicinity and area.
3. Learned counsel for the petitioner further submits that the information regarding the availability of nazul land in the near vicinity/behind the existing shop, has already been given by the Municipal Corporation to the Nazul Officer vide letter dated 12-12-2014 (**Annexure P-4**), but no decision till date has been taken in this regard.

4. According to the learned counsel for the petitioner, this Court on an earlier occasion in a similar matter had passed an order dated 3.2.2016 in WPC No. 2187/2015 "Prakash Rao Kumre & Another Vs. Municipal Corporation, Raigarh & Others" and the respondents therein have in due course of time complied with the directions given by this Court by providing the petitioners therein the alternative land. He therefore submits that the case of the present petitioner may also be considered by the respondents by granting him alternative land.

5. Learned State counsel submits that the claim of the petitioner for allotment of small plot to facilitate him to continue with his business shall be considered by the respondents in accordance with law/government policy, as early as possible.

6. In view of statement made by learned State counsel, there is no need to keep this matter pending at this stage.

7. Accordingly, the writ petition is finally disposed of with a direction to the respondents to consider the claim of the petitioner for allotment of land in accordance with government scheme and existing rules and regulations with regard to allotment of nazul land. While deciding the claim of the petitioner, the respondents shall take into consideration the order dated 3.2.2016 passed by this Court in WPC No. 2187/2015 "Prakash Rao Kumre & Another Vs. Municipal Corporation, Raigarh & Others", under the similar circumstances.

8. The respondents are expected to take a decision in this regard at the earliest, preferably within a period of four months from the date of receipt of copy of this order.

9. The writ petition accordingly stands disposed of with the aforesaid observations.

Sd/-
(P. Sam Koshy)
JUDGE

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