

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (CIVIL) NO. 4198 OF 2019**

- Saroj, S/o Guhalu, aged about 45 years, R/o Village Lawan, Police Station Lawan, District Balodabazar-Bhatapara (CG)

... Petitioner**versus**

1. State of Chhattisgarh, through the Secretary, Department of Revenue, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur (CG)
2. The Collector, Balodabazar-Bhatapara, Dist. Balodabazar-Bhatapara (CG)
3. Chief Municipal Officer, Nagar Panchayat Lawan, District Balodabazar-Bhatapara (CG)
4. Tahsildar, Balodabazar-Bhatapara, District Balodabazar-Bhatapara (CG)
5. Up Tahsildar, Balodabazar-Bhatapara, District Balodabazar-Bhatapara (CG)

... Respondents

For Petitioner	:	Mr. A.D. Kuldeep, Advocate.
For Respondent-State	:	Ms. Sunita Jain, Govt. Advocate and Mr. P. Acharya, Panel Lawyer.

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

1. Challenge in the present writ petition is to the order dated 31.10.2019 (Annexure P-1) whereby the respondent no.3 has issued 7 days notice to the petitioner for vacating the premises which has now been occupied by the petitioner.
2. Perusal of the documents enclosed along with the present writ petition do not reveal that the petitioner has any legitimate right over the property in which they are residing. On the contrary, perusal of record would show that the petitioner in the past has been inflicted with the penalty as an encroacher in the year 2012 and subsequently in the year 2016 again when the petitioner was given a notice he had undertaken that he would vacate the premises within six months. Though more than three years have elapsed, the petitioner has not left that place vacant.
3. Given the said facts, this Court is of the opinion that no strong case is made out by the petitioner calling for an interference with the impugned order. However, reluctance of this Court to entertain the present writ petition would not preclude the petitioner to approach the respondent no.2 by making a suitable representation seeking for an alternate land, taking into consideration the fact

that the petitioner is both landless and homeless subject to the verification of the fact. In the event, if the petitioner makes a suitable representation to respondent no.2, it is expected that the Collector would take a sympathetic approach on the claim of the petitioner.

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

/sharad/

Sd/-
(P. Sam Koshy)
JUDGE