

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 4330 of 2019

Om Prakash Sharma S/o Late Hari Ram Sharma Aged About 58 Years
Occupation Proprietor Om Sarvajanik Vyayam Shala, Kotara Road,
Baikunthpur , District Raigarh Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Collector Raigarh, District Raigarh Chhattisgarh
2. Commissioner Municipal Corporation , Raigarh District Raigarh Chhattisgarh.

---Respondents

For Petitioner	: Mr. Rahul Agarwal along with Mr. Sumit Singh Rathore, Advocates.
For State	: Ms. Sunita Jain, G.A.
For Respondent No. 2	: Mr. Sudeep Agarwal, Advocate.

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

28/11/2019

1. The grievance of the petitioner in the present writ petition is that the petitioner who was earlier allotted a shop by the Respondent No. 2 under the Government scheme i.e. "Swalamban Yojan" situated at Kotraroad Raigarh, Chhattisgarh, the Petitioner was allotted a shop in the year, 1993 and was given the lease for the said shop for a period of 30 years. However, suddenly in the year 2019, the Respondent took back the shop and demolished the same rendering the petitioner without any means for sustaining himself independently.
2. The Counsel for the Petitioner submits that in similar circumstances, this court, in the case of Prakash Rao Kumre and Sudesh Kumar Lala passed in WPC No. 2187/2015, had directed the Nazul Officer to identify alternative land which could be allotted to them
3. According to the Counsel for the Petitioner, the two Petitioners in WPC 2187/2015 have since been allotted shops by the Respondent-Authority,

therefore, the petitioner prays for similar directions be granted on parity to the Petitioner also.

4. Counsel appearing for the Respondent No. 2 submits that the land, in the said case, was allotted by the Nazul Officer i.e. the State Govt. therefore, it would be the State Authority, who would have to be approached by the Petitioner for grant of appropriate alternative suitable land for establishing his shop. Perusal of the records would show that the Petitioner as such has not approached any of the Authorities either Respondent No. 1 or Respondent No. 2 for any such relief that he is praying in the present writ petition.
5. Given the said facts, let the Petitioner approach the Respondent No. 1 by way of a detailed representation to be made within a period of 30 days supported with all relevant records in support of his contention and Respondent No. 1 in turn shall consider the claim of the Petitioner sympathetically taking into consideration the submission the Petitioner would raise in his representation. On such representation being made by the Petitioner, it is expected that the respondent No. 1 shall, thereafter take a decision at the earliest preferably within a further period of 4 months.
6. Accordingly, the present writ petitions stands disposed of.

Sd/-

(P. Sam Koshy)
Judge

Jyotijha