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**HIGH COURT OF CHHATTISGARH, BILASPUR**

**Writ Petition (C) No.1159 of 2020**

Savitri Bhosle W/o Late Bhuneshwar Bhosle Aged About 58 Years R/o Ward No. 6, Tilak Nagar, Chantapara, Nadi Kinare, Bilaspur Chhattisgarh.

**...Petitioner(s)**

**Versus**

1. State of Chhattisgarh Through Chief Secretary, Government of Chhattisgarh, Mahanadi Bhawan, Mantralaya, Naya Raipur, Chhattisgarh.
2. The Commissioner Municipal Corporation, Vikas Bhawan, Nehru Chowk, Bilaspur, Chhattisgarh.
3. The District Magistrate, Office of the District Magistrate, Collectorate, Nehru Chowk , Bilaspur, Chhattisgarh.
4. The Sub Divisional Magistrate Office of the District Magistrate, Collectorate, Nehru Chowk, Bilaspur, Chhattisgarh.
5. Najul Officer Office o the District Magistrate, Collectorate, Nehru Chowk, Bilaspur, Chhattisgarh.

**... Respondent(s)**

**Writ Petition (C) No.1160 of 2020**

Rakesh Motwani S/o Late Ramchand Motwani, Aged About 41 Years, R/o Ward No. 06, Chatapara, Ram Mandir Ka Piche, Bilaspur, Chhattisgarh.

**...Petitioner(s)**

**Versus**

1. State of Chhattisgarh Through Chief Secretary, Government of Chhattisgarh, Mahanadi Bhawan, Mantralaya, Naya Raipur, Chhattisgarh.
2. The Commissioner Municipal Corporation, Vikas Bhawan, Nehru Chowk, Bilaspur, Chhattisgarh.
3. The District Magistrate, Office of the District Magistrate, Collectorate, Nehru Chowk , Bilaspur, Chhattisgarh.
4. The Sub Divisional Magistrate Office of the District Magistrate, Collectorate, Nehru Chowk, Bilaspur, Chhattisgarh.
5. Najul Officer Office of the District Magistrate, Collectorate, Nehru Chowk, Bilaspur, Chhattisgarh.

**... Respondent(s)**

**Writ Petition (C) No.1161 of 2020**

Anita Kashyap W/o Late Ratan Kashyap, Aged About 48 Years, R/o - Ward No. 06, Near Durga Mandir, Tilak Nagar, Bilaspur, Chhattisgarh.

**...Petitioner(s)**

**Versus**

1. State of Chhattisgarh Through Chief Secretary, Government of Chhattisgarh, Mahanadi Bhawan, Mantralaya, Naya Raipur, Chhattisgarh.
2. The Commissioner Municipal Corporation, Vikas Bhawan, Nehru Chowk, Bilaspur, Chhattisgarh.
3. The District Magistrate, Office of the District Magistrate, Collectorate, Nehru Chowk , Bilaspur, Chhattisgarh.
4. The Sub Divisional Magistrate Office of the District Magistrate, Collectorate, Nehru Chowk, Bilaspur, Chhattisgarh.

5. Najul Officer Office o the District Magistrate, Collectorate, Nehru Chowk, Bilaspur, Chhattisgarh.

... Respondent(s)

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**Writ Petition (C) No.1162 of 2020**

1. Sunil Jadhav S/o Ramji Jadhav Aged About 37 Years
2. Ranjan Singh Thakur S/o Kedu Singh Thakur Aged About 52 Years
3. Kamta Prasad Rajak S/o Late Mohit Rajak Aged About 52 Years
4. Mohan Lal Yadav S/o Nankuram Yadav Aged About 68 Years
5. Tulsai Bai Son W/o Mahaveer Son Aged About 61 Years
6. Mohitram Shriwas S/o Jivrakhan Shriwas Aged About 60 Years
7. Kedar Singh Thakur S/o Rajkumar Singh Thakur Aged About 36 Years
8. Sudhakar Rao Dhumal S/o Late Sadashiv Rao Dhumal Aged About 48 Years
9. Rameshwar Yadav S/o Dalsa Yadav Aged About 65 Years
10. Govardhan Todekar S/o Late Chamaru Rao Todekar Aged About 44 Years
11. Gaya Bai Lahane W/o Late Shyam Rao Lahane Aged About 68 Years
12. Ghasiram Yadav S/o Kunjlal Yadav Aged About 59 Years
13. Kaushilya Dhuri W/o Late Shyam Dhuri Aged About 56 Years
14. Shambhu Yadav S/o Asharam Yadav Aged About 63 Years
15. Shanti Sinde W/o Rajeshwar Rao Shinde Aged About 45 Years
16. Laxmi Bai Ghadge W/o Nanaji Rao Aged About 66 Years
17. Ramlal Sahu S/o Pakluram Sahu Aged About 51 Years
18. Babita Rajak W/o Ajay Rajak Aged About 45 Years
19. Ramdhan Sahu S/o Baghelaram Sahu Aged About 66 Years
20. Ganeshram Yadav S/o Chamruram Aged About 69 Years
21. Makhan Rao Hingole S/o Ganesh Rao Hingole Aged About 48 Years
22. Ashok Shrivastava S/o Late Chhedilal Shrivastava Aged About 49 Years
23. Suraj Yadav S/o Bahorik Ram Yadav Aged About 44 Years
24. Pradeep Kumar Yadav S/o Bahorik Ram Yadav Aged About 39 Years
25. Sonal D/o Vijay Rao Aged About 24 Years
26. Anita Bhake W/o Ashok Bhake Aged About 66 Years
27. Kundan Rao Engle S/o J.R. Engle Aged About 51 Years
28. Bhageshvari Shrivastava W/o Manharan Shrivastava Aged About 56 Years
29. Sangita Kadam W/o Satrugan Rao Aged About 43 Years
30. Vinod Jadhav S/o Bodhan Rao Jadhav Aged About 50 Years
31. Dinesh Upadhyay S/o Late Khowalal @ Sikhawalal Aged About 57 Years
32. Mamta Morkhe W/o Deepak Morkhe Aged About 42 Years
33. Savitri Yadav W/o Ashwani Yadav Aged About 48 Years
34. Lachchan Bai W/o Bhagwat Gond Aged About 67 Years
35. Jaya Devi Pawar W/o Mohan Pawar Aged About 67 Years
36. Balram Sahu S/o C.R. Sahu Aged About 50 Years
37. Roshan Lal Dhusiya S/o Late Kishan Lal Dhusiya Aged About 43 Years
38. Rakesh Dhusiya S/o Late Kishan Lal Dhusiya Aged About 45 Years
39. Shanti Karakwar W/o Raman Karakwar Aged About 56 Years
40. Ravi Kumar Dhusiya S/o Shobha Lal Dhusiya Aged About 39 Years
41. Savita Soni W/o Late Ashok Soni Aged About 54 Years
42. Ajay Sahu S/o Late Bhagelaram Sahu Aged About 44 Years
43. Rocky Motwani S/o Ramchanra Motwani Aged About 39 Years

44. Asha Gupta W/o Kishorilal Gupta Aged About 34 Years
45. Sanjay Kumar Thawait S/o Krishna Kumar Aged About 43 Years
46. Ramnarayan Rao S/o Keshav Ram Aged About 64 Years
47. Jaya Thakur W/o Yashwant Kumar Thakur Aged About 70 Years
48. Pawan Singh Thakur @ Shivfal S/o Kripal Singh Thakur Aged About 46 Years
49. Rajkumar Singh Thakur @ Rajendra Singh S/o Kripal Singh Thakur Aged About 56 Years
50. Radha Bai Yadav W/o Premlal Aged About 65 Years
51. Himanchal Rajak S/o Ramadhun Rajak Aged About 55 Years
52. Vijay Jadhav S/o Ramarao Jadhav Aged About 50 Years
53. Krishna Kumar Thakur S/o Dayaram Thakur Aged About 58 Years
54. Santosh Shrivastava S/o Late Khorbakra Shrivastava Aged About 56 Years

All are R/o Ward No. 8, Chantapara, Tilaknagar Ward, Tahsil Bilaspur, District- Bilaspur, Chhattisgarh

...Petitioner(s)

**Versus**

1. State of Chhattisgarh Through- The Secretary, Department of Revenue And Disaster Management, Mahanadi Bhawan, Mantralaya, New Raipur, Chhattisgarh.
2. Secretary Department of Urban Administration, Mahanadi Bhawan, Mantralaya New Raipur, Chhattisgarh.
3. Collector, Bilaspur District- Bilaspur, Chhattisgarh.
4. S.D.M., Bilaspur District- Bilaspur, Chhattisgarh.
5. Nazul Officer, Bilaspur District- Bilaspur, Chhattisgarh.
6. Tahsildar Tahsil- Bilaspur, District Bilaspur, Chhattisgarh.
7. Commissioner, Municipal Corporation, Bilaspur, District Bilaspur, Chhattisgarh.
8. Station House Officer, Police Station- Civil Line, Bilaspur, District Bilaspur, Chhattisgarh.

... Respondent(s)

|                                      |   |                                                                                                                               |
|--------------------------------------|---|-------------------------------------------------------------------------------------------------------------------------------|
| For Petitioners                      | : | Shri Vaibhav Singh, Shri Kishore Narayan and Shri Harshwardhan Parganiha, Advocates.                                          |
| For Respondent-State                 | : | Shri Vivek Ranjan Tiwari, Addl. Advocate General, Shri Jitendra Pali, Dy. Advocate General and Ms.Sunita Jain, Govt.Advocate. |
| For Municipal Corporation : Bilaspur | : | Shri Mateen Siddique, Advocate.                                                                                               |
| For Smart City, Bilaspur             | : | Shri Prafull N. Bharat, Advocate.                                                                                             |

**Hon'ble Shri Justice P. Sam Koshy**

**Order on Board**

**09.06.2020**

1. These are four writ petitions identical in nature and the challenge also being similar and identical, these writ petitions are being considered and decided by this common order.

2. The challenge in these writ petitions are the notice issued by the respondent No.5 dated 30.05.2020 which is a notice of removal of encroachment under Section 248 (1) of the Chhattisgarh Land Revenue Code, 1959 (in short, the Code).
3. The brief facts common in all these writ petitions are that, the petitioners were landless people who were residing on the banks of River Arpa at Chatapara, Tilak Nagar, Bilaspur. Subsequently, considering their plight the Government under Rajeev Gandhi Ashray Yojna had allotted them some lands over which they had made small hutments/houses and were residing for many years now. The petitioners have been issued lease/Patta under the Provisions of The Madhya Pradesh Nagariya Kshetron Ke Bhoomihin Vyakti (Pattadhariti Adhikaron Ka Pradan Kiya Jana) Adhiniyam, 1984. The State Govt. subsequently, has also enacted rules under the said Act known as The Madhya Pradesh Nagariya Kshetron Ke Bhumihiin Vyakti (Pattadhruti Adhikaron Ka Pradan Kiya Jana) Rules, 1998 (in short, the Rules, 1998). The petitioners were in possession of the said piece of land allotted to them and were peacefully residing in the said portion of land allotted to them uninterruptedly when suddenly the respondents have issued the impugned notice of eviction under the Code.
4. The contention of the petitioners is that, since all the petitioners have got valid lease in their favour, they could not have been firstly held to be encroacher for proceedings under Section 248 (1) of the Code. Secondly, they could not have been abruptly one fine morning removed from their residence without following due procedure of law and thirdly the respondents could not have arbitrarily, unilaterally and in a most unreasonable manner overnight come and remove the petitioners from their settlement forcefully. The contention of the petitioners is that they

have not been given even breathing time to give response to the notice issued by the respondents, nor have they been given sufficient reasonable time to look for an alternative suitable location/accommodation wherein they could have been settled.

- 5.** It was also the contention of the petitioners that the respondents have forcefully demolished the entire structure removing the household articles and getting them on road which again is violative of the human rights so also the fundamental right of life and livelihood of each of the petitioners. According to the petitioners, though the impugned notices has been dated to be issued 30.05.2020, the respondents have served upon the petitioners notice only on 5-6<sup>th</sup> May, 2020 and on 8<sup>th</sup> morning the respondents started demolition work which is per se illegal, arbitrary and inhuman particularly when the action has been taken now during this period where the whole world is under the grip of pandemic Covid-19.
- 6.** In WPC Nos.1159, 1160 and 1161 of 2020 the substantial relief sought for by the petitioners is to set aside the demolition notice and to restrain the respondents from being dispossessed. The petitioners have also prayed for the respondent authorities to make prior arrangements of alternative accommodation for the petitioners and their family before dispossession and demolition of their existing house.
- 7.** In WPC No.1162 of 2020, when the writ petition was filed, the substantive relief was only seeking for restraining the respondents from evicting the petitioners from their houses.
- 8.** Today, when the matter is taken up for hearing, it has been informed by the petitioners that they have also moved an application for amendment of the writ petition with an additional prayer of a direction to the respondents for restoration of the possession of the land to the petitioners over which

they were in occupation. The petitioners also, by way of an amendment, have sought for a relief of a direction to the concerned police authorities to register an FIR against the officials in the district administration who have carried out the illegal demolition work.

- 9.** The grounds of challenge on behalf of the petitioners to the impugned notice was that the action on the part of the respondents is in violation to the Rules, 1998 wherein certain specific procedure has been prescribed before the action of shifting to be taken place.
- 10.** It was contention of the petitioners that the respondent authorities ought to have firstly constituted a High Powered Committee who must have examined the situation and should have given a report based upon which the respondents should have acted upon. It was also the contention of the petitioners that as per requirement of the Act, there also ought to had been Mohalla Samitis established by the local administration who would have represented the case on behalf of the petitioners with the local administration and should have bargained for grant of an alternative suitable piece of land instead of small houses which have now been offered to the petitioners without any land as such, as the houses which have been offered to the petitioners are part of a multi storied building. The main thrust of the arguments on behalf of all the petitioners was that they have not been granted sufficient time to act upon the notice under challenge in these writ petitions and the fact that they are not encroachers as each of them have a lease deed in their favour executed by the authorities.
- 11.** The counsel appearing for all the respondents, on the contrary, opposing the petitions submits that undoubtedly most of the petitioners were landless people who were granted lease under Rajeev Gandhi Ashray

Yojna and were issued with lease deed under the provisions of the aforementioned Act, 1984. The arguments on behalf of the respondents was that this area where the petitioners were residing was infact on the bank of river Arpa and that the said portion under the Smart City Project was required for construction of four lane road. It was also the contention of the respondents that the said road was going towards the Medical College Hospital and for which purpose also construction of wide road has become unavoidable. It was further the contention of the respondents that the particular area where this location is situated was densely inhabited and also has huge movement of traffics and there is a frequent bottleneck situation where traffic movement gets jammed for want of wide roads. According to counsel for the respondents, if this area is modified/developed by construction of four/two lane roads, the traffic movement in the entire area particularly towards the Medical College would get smoothened substantially and it was with this intention that the respondents have issued the impugned notice.

- 12.** It was further contention of the counsel for the respondents that it is not a case where the respondents intended to demolish the houses of the petitioners and to render them homeless or landless. According to the respondents, each of the petitioners have been granted alternative house. The respondents have already taken steps for allotment of houses to all the affected persons in the area who had proper lease in their favour. Further contention of the respondents was that it is a case where the petitioners have been given better house with proper electricity, water and sanitation facilities which earlier was not there. According to the respondents, there are large number of houses constructed at Imlibhata near Nutan Colony, Bilaspur, where most of the petitioners would be

allotted houses. The respondents have also negotiated with the householders and it has been decided that even for those houses where there are two or more adult male members in the family, each of the adult members would be given accommodation. In the process, as per the submission made by the counsel for the respondents, though only 160 lease holders were there, but it was found that there were approximately 242 persons who have been found eligible for alternative accommodation and accordingly 242 houses have been allotted against 160 lease holders. These houses which have been proposed for allotment to the petitioners and would be given to them by execution of specific lease deed for a period of 30 years. The land/houses where the petitioners have been allotted is infact in the heart of the city and as such none of the petitioners are being displaced out of the city and this would avoid any loss of employment or other facilities which the petitioners were otherwise getting.

**13.** Today, during the course of arguments, the counsel for the respondents also categorically made submissions that by the time the hearing was undergoing, all the affected persons infact have given their written consent for allocation of the alternative houses and as per the instructions of the respondents, more than 212 families have already shifted to their new allotted house. Since about 212 families have shifted to the new allotted house which includes all the petitioners except for two from WPC No.1162 of 2020, the grievance of the petitioners stands redressed and the writ petitions as such have become infructuous.

**14.** Two of the petitioners in WPC No.1162 of 2020 have not been allotted the house for the reason that they were not able to produce valid lease deed or any documents in their favour which would have enabled them for the

house, as such, they are encroachers and would not be entitled for the house.

- 15.** The counsel for the petitioners at this juncture submit that firstly any consent taken by the respondents from the petitioners is under pressure and also at the point of coercion and secondly the consent has been obtained by force in most of the cases. The consent has been given by the petitioners taking into consideration the pathetic condition that arose on account of demolition of their houses as they were left with no other option but to accept the proposal for whatever shelter and thus they were compelled to give consent and to take possession of the houses. Thus, this consent should not be taken as voluntary consent and the claim of the petitioners cannot be thrown away by holding the same to have become infructuous.
- 16.** According to the respondents, it is not a case where the respondents have been callous or have been ruthless or arbitrary in their approach and attitude. The respondents had all concerns for the petitioners and due care was taken note of and it was only after ensuring that the petitioners would be given alternative suitable accommodation that the respondents had taken a decision to evict the petitioners from their present place.
- 17.** Having heard the contentions put forth on either side and on perusal of records brought along with the writ petitions, some of the admitted factual position as it stands is that, all the petitioners being homeless and landless were granted either temporary lease or permanent lease under the Rajeev Gandhi Ashray Yojna. The lease were issued under the provisions of the Act, 1984 under which the Rules also have been framed in 1998. The petitioners have been in possession of that land for quite sometime. It is also an admitted position that the said land is in a densely inhabited area

and the petitioners land are situated just besides the roads and in very close vicinity to the Medical College and Medical College Hospital. There is a huge traficular movement and because of which there is always conjection in the area as there is less space for traffic movement.

- 18.** The respondents in order to smoothen the traficular movement particularly in and around the Medical College area where there is a need of frequent movement of Ambulances and also for ensuring easy movement of vehicles of patients coming to the Medical College, it was thought of construction and widening of the road adjacent to the land where the petitioners were residing.
- 19.** In the light of the statement that has been made by the counsel for the parties, it stands admitted that the entire construction of that area has been erased. All the inhabitants of that area including all the petitioners, except for two petitioners, have already been shifted to the newly constructed house constructed under the Pradhan Mantri Awas Yojna.
- 20.** Since all of them have been shifted, all that this court now needs to consider is whether the action on the part of the respondents is justified and what relief now can be granted to the petitioners.
- 21.** All the notices under challenge in these cases are one which were issued on 30.05.2020. From the submissions made by the counsel for the parties, though there is no record, but it appears that the notices were served upon the petitioners on 4-5<sup>th</sup> May, 2020 and the demolition of the area was undertaken by the respondents on 08.05.2020. True it is that the respondents have been given an alternative accommodation to each of the petitioners except for two, but what is to be seen is whether the petitioners had been given reasonable time for looking for alternative accommodation of their own and also for shifting of their household articles safely to the

new accommodation allotted. From the plain reading of Annexure P/1 there does not seem to be any allotment of house made or intimated to the petitioners wherein the petitioners could have comfortably shifted their household articles. What was the basis for allotment of house and the criteria all of which have not been disclosed. It appears that the respondents had certain houses available with them and they simply removed the petitioners from their present place and allotted them some house.

- 22.** If we look into the Act and the Rules governing the field, it does not reflect of the petitioners getting an exclusive right over the existing land which were just leased out to them. The very lease deed executed in favour of the petitioners itself had a clause that by providing an alternative accommodation/arrangement, the petitioners can be evicted from the leased out property. The Act and the Rules also only provide that the respondents should ensure providing of an alternative site, which in the instant case, the State authorities have infact provided.
- 23.** Thus, this court is of the opinion that so far as the compliance, as is required, under the Act, 1984 and the Rules, 1998 is concerned, the same has been taken care of by the respondents. However, this court does not appreciate the manner in which the respondents have acted or the haste in which the respondents acted. In all fairness, the respondent authorities should have given the petitioners specific allotment of their accommodation/house that was being provided and then should have granted the petitioners some reasonable time within which they should have shifted their household belongings and only then should the respondents have gone in for demolition of the houses. Thus, the action on the part of the respondents to that extent showing unnecessary haste in

carrying out the demolition work which could have been avoided by affording reasonable time is not appreciated at all.

**24.** True it is that when the city grows it needs wider roads and other basic amenities for the general public at large and many times, rather most of the times, demolition of houses adjacent to the road becomes unavoidable and in-inevitable for the purpose of widening of roads with an intention of smoothing the traffic movements. The city of Bilaspur also has been facing crisis of traffic movement for a considerable period of time and construction and widening of road was the need of the hour. Fortunately the State authorities have now decided to go in for development of these areas with construction and widening of roads. In the eventuality, if some construction has to be removed, the option available with the respondents and for that matter the option available for the petitioners whose property is getting demolished, is for a suitable accommodation/house. In the instant case, admittedly the petitioners have been residing at that place by constructing small houses and all the petitioners had been given the said houses under the Rajeev Gandhi Ashray Yojna. The lease executed in favour of the petitioners had a specific clause of revocation of the lease, subject to providing an alternative arrangement/site.

**25.** The Supreme Court also in case of **Ahmedabad Municipal Corporation Vs. Nawab Khan Gulab Khan & Others**, 1997 (11)SCC 121 has also observed that, "though it is correct to say that roadways and pathways should be kept free from encroachers, should it not be held in cases where the poor had resided in an area for long time, the State ought to frame schemes and allocate land and resources for resettle and rehabilitating urban poor."

- 26.** With the aforesaid observations of the Supreme Court if we look into the facts of the present case, it will clearly depict that the respondent authorities have ensured and have also undertaken none would be rendered homeless, roofless or shelter less. The respondents have also gone to the extent of submitting that even if in the family of lease holder there are more than one male adult members, they would be provided separate individual house. According to the respondents, the houses are already complete and are in habitable condition and petitioners only need to shift there in their respective houses allotted to them, which in other words, even for a single day they would not be left roofless. Therefore, no statutory or constitutional right can be said to have violated in these cases, except for the fact that the authorities concerned appears to have proceeded in a bit hasty manner which, in the opinion of this court, was not fair on their part, otherwise, the respondents considering the ground reality have allotted houses to each of the petitioners. Thus, rehabilitation and resettlement part has been ensured and taken care of.
- 27.** From the submissions that the counsel for the respondents have made, it appears that there is a policy decision of the respondents to have wide road constructed on either side of the Arpa river that falls within the limits of the Municipal Corporation, Bilaspur, and in the process, the respondents had to remove the petitioners from their present place. Moreover, the object and intention on the part of the corporation in taking decision to shift the petitioners from their present place to a different location was with the larger public cause of requirement of wide roads particularly at that location which leads to the Medical College and also goes to the busiest market area of the town.

- 28.** Another aspect which cannot be lost sight of is that, relocation of the petitioners is not very far from their present location and is just a couple of kilometers away and as such none of the petitioners would be losing their livelihood in any manner.
- 29.** Further, what is also worth mentioning is the undertaking given by the Municipal Corporation that for each of the houses which have been allotted, there would a lease executed in favour of the petitioners and the lease would be for a period of 30 years from now.
- 30.** Adequate housing serves as the crucible for human well-being and development. The problem of housing is a universal problem and is prevailing globally getting across all nations developed, underdeveloped or developing.
- 31.** The claim of the petitioners demanding land in lieu of land cannot be considered to be a sound claim or a logical claim as the land which was allotted to them was only for residence. In lieu of said residence, the respondents have granted the petitioners an alternative fully constructed houses with access to safe water with good sanitation and electricity etc. In view of the same, the said claim of the petitioners demanding land in lieu of land is not sustainable.
- 32.** The other prayer of one set of petitioners of restoration of their possession of the land also cannot be said to be a justified claim any further in view of the demolition work already having been executed and the petitioners all of whom have already been allotted separate houses which they have taken possession of also.
- 33.** Now coming to the issue of the submissions made by the counsel for the respondents that two of the petitioners in WPC No.1162 of 2020 having not been granted accommodation as they failed to furnish any details of

their lease deed, this court is of the opinion that the said action on the part of the respondents is highly unjustified and unfair. Once on survey it is found that these two petitioners were also residing in the same vicinity and had an independent house there which could be easily established by the said petitioners by producing sufficient documents, the respondent authorities considering those documents should have taken more pragmatic view by trying to allot houses to these persons also, instead of making them homeless and shelter less at this juncture particularly during Covid-19 pandemic time.

- 34.** The respondent authorities are therefore directed to ensure that these two petitioners in WPC No.1162 of 2020 who have been denied houses, as has been contended by the counsel for the respondents, should also be considered for being provided accommodation as has been granted to the other petitioners, subject to due verification of fact that these persons had been staying at that locality for long. These two petitioners also would be required to furnish sufficient proof in this regard.
- 35.** Let such a decision be taken by the respondent authorities forthwith without any further delay so as to ensure that these two persons get houses at the earliest enabling their resettlement early.
- 36.** The aforesaid direction of this court is also keeping in view the fact that the respondents have otherwise also granted houses to persons much above the number of leased property that were there, which according to the petitioners, was only 160 against which they have granted houses to 242 persons. If this could be done by the corporation, this court does not see any good reason why two more persons could not be accommodated by the corporation by allotting houses to them.

- 37.** It is further directed that in order to ensure that the interest of the petitioners are protected to the extent of minimum standard of human rights when they are being resettled, the Municipal Corporation, Bilaspur, would ensure that the houses that have been allotted to the petitioners has the facility of water, electricity and sanitation.
- 38.** In view of the fact that the respondents have taken care of the petitioners by providing decent environment and reasonable accommodation at new houses and the said allotted accommodation would be leased out in the name of petitioners for a period of 30 years, this court is of the opinion that no strong case has been made out by the petitioners for interference with the impugned notices or the action subsequently taken. However, as has been held in the preceding paragraphs, the two petitioners in WPC No.1162 of 2020, who have been refused accommodation, would now be considered by the respondent authorities for grant of accommodation forthwith without any further delay.
- 39.** With the aforesaid observations, all the writ petitions stand disposed of.

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

inder