

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 1252 of 2020**

1. Ballu Ram Sinha S/o Punni Lal Sinha Aged About 58 Years R/o Nagar Panchayat Nawagarh, P.S. Nawagarh, District Bemetara Chhattisgarh
2. Rajkumar @ Kishori Sinha S/o Punni Lal Sinha Aged About 44 Years R/o Nagar Panchayat Nawagarh, P.S. Nawagarh, District Bemetara Chhattisgarh. **---- Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat, Mahanadi Bhawan New Mantralaya Naya Raipur Chhattisgarh
2. The Collector Bemetara District Bemetara Chhattisgarh
3. The Sub Divisional Officer Department Of Water Resource, Sub Division Nawagarh, District Bemetara Chhattisgarh
4. The Tahsildar Tahsil Office Nawagarh, District Bemetara Chhattisgarh

---- Respondents

For Petitioner	:	Mr. C.K. Sahu, Adv.
For State	:	Mr. V.R. Tiwari, Addl. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****16/06/2020**

1. The Challenge in the present writ petition is to the order Annexure P/1 dated 06.06.2020 passed by the respondent no. 3 whereby the petitioners have been ordered to evict the place on account of construction work at Nagar Panchayat Nawagarh.
2. The contention of the the counsel for the petitioner is that the said property was allotted to the petitioners by way of issuance of patta vide order Annexure P/3. Right from the time of allotment till date, the petitioners uninterruptedly are in possession of the said property and they have also paid tax and peacefully residing with their family. The further contention of the Counsel for the petitioners is that now on the onset of monsoon, the petitioner have been asked to evict the premises, thereby the petitioners would become shelter less. According to the counsel for the petitioners, they have no other property to live and prays for some protection in this regard.

3. Counsel for the petitioner also submits that even if the petitioners are allotted different plot elsewhere and reasonable time is given to them, petitioners can be shift to the newly allotted plot.
4. To the said submission made by the Counsel for the petitioner, the Addl. Advocate General submits that let the petitioners make a suitable representation to the respondent no. 2 District Collector, Bemetara, who inturn shall consider the same in accordance with rules and regulations and any scheme that is available wherein petitioner's claim can be considered so far as grant of alternative site where petitioner can be shifted.
5. Given the said submission, this Court is of the opinion that let petitioners approach the respondent no. 2 within 7 days from today by making a suitable representation along with the request for allotment of alternative site/plot enabling them to shift. On such an application being made and the respondent no. 2 is directed to consider the same in the light of any scheme prevailing so far as the claim of the petitioner for allotment of an alternative site/plot is concerned at the earliest.
6. Meanwhile, the respondents are restrained to initiate any coercive steps against the petitioners in respect of Annexure P/1 dated 06.06.2020.
7. It is made clear that the interim protection given to the petitioners is confined to the area which stands allotted to the petitioners vide Annexure P/3 dated 07.12.2005. Beyond the allotted area, the petitioners would not have any claim or protection.
8. The petition accordingly stands disposed of.

Sd/-

(P. Sam Koshy)
Judge