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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 1699 of 2020**

1. Anil Masih S/o Luthar Masih, Aged About 55 Years, R/o Ward No. 9 Rapta Ghat, Nadi Kinare, Bhoghapara, Nagar Panchayat Shivarinarayan, Tahsil Navagarh, District Janjgir Champa, Chhattisgarh
2. Lata Sahu W/o Umend Sahu, Aged About 30 Years, R/o Ward No. 9 Rapta Ghat, Nadi Kinare, Bhoghapara, Nagar Panchayat Shivarinarayan, Tahsil Navagarh, District Janjgir Champa, Chhattisgarh
3. Rahas Ram Kashyap S/o Jagnathiya Kashyap, Aged About 49 Years, R/o Ward No. 9 Rapta Ghat, Nadi Kinare, Bhoghapara, Nagar Panchayat Shivarinarayan, Tahsil Navagarh, District Janjgir Champa, Chhattisgarh
4. Shatruhan Patel S/o Bajrang Patel, Aged About 45 Years, R/o Ward No. 9 Rapta Ghat, Nadi Kinare, Bhoghapara, Nagar Panchayat Shivarinarayan, Tahsil Navagarh, District Janjgir Champa, Chhattisgarh
5. Dhanaram Patel S/o Sohan Lal Patel, Aged About 40 Years, R/o Ward No. 9 Rapta Ghat, Nadi Kinare, Bhoghapara, Nagar Panchayat Shivarinarayan, Tahsil Navagarh, District Janjgir Champa, Chhattisgarh
6. Ramgilas Verma S/o Amarnath Verma, Aged About 52 Years, R/o Ward No. 9 Rapta Ghat, Nadi Kinare, Bhoghapara, Nagar Panchayat Shivarinarayan, Tahsil Navagarh, District Janjgir Champa, Chhattisgarh
7. Shanti Bai Sahu W/o Madanlal Sahu, Aged About 70 Years, R/o Ward No. 9 Rapta Ghat, Nadi Kinare, Bhoghapara, Nagar Panchayat Shivarinarayan, Tahsil Navagarh, District Janjgir Champa, Chhattisgarh

---- Petitioners**Versus**

1. State Of Chhattisgarh Through, Its Secretary, Department Of Revenue, Mantralaya, Mahanadi Bhawan, Naya Raipur, Chhattisgarh

2. The Collector, District Janjgir Champa, Chhattisgarh
3. The Sub Divisional Officer (Revenue) Janjgir, District Janjgir Champa Chhattisgarh
4. The Naib Tahsildar, Sub Tahsil Shivarinarayan, Tahsil Navagarh, District Janjgir Champa, Chhattisgarh
5. The Revenue Inspector, Patwari Halka No. 23, Village Bhoghapara, Tahsil Navagarh, District Janjgir Champa, Chhattisgarh
6. The Patwari, Patwari Halka No. 23, Village Bhoghapara, Tahsil Navagrah, District Janjgir Champa, Chhattisgarh
7. The Chief Municipal Officer, Nagar Panchayat Shivarinarayan, District Janjgir Champa, Chhattisgarh

---- Respondents

For Petitioners	:	Mr. Rohitashva Singh, Advocate
For State	:	Mr. Sudeep Verma, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy

Order On Board

24.08.2020

1. The grievance of the petitioners in the present writ petition is the action on the part of the respondents who are said to have initiated some construction of Ramvan Path Gaman project and in the process, the land over which the petitioners are residing would be taken by the respondents dispossessing from the said shelter.
2. According to the petitioners, except for petitioner no.7 all the 6 petitioners have got Pattas issued in their favour by the respondent authorities. So far as petitioner no.7 is concerned, her claim for issuance of Patta is also at the fag end stage inasmuch as all the requisite fees and other required formalities have been completed for

granting of Patta. However, in between, now for construction of Ramvan Path Gaman project, the respondents are asking the petitioners to evict the said land. According to the petitioners, during this Corona pandemic period and also during this heavy Mansoon season, it would not be practically possible for the petitioners to relocate themselves to a different place as they do not have any other land available with them. According to the petitioners, let the respondents consider for grant of suitable alternative land to the petitioners and some reasonable time within which they may shift themselves along with certain amount of compensation, as the petitioners after having got Patta in their favour have made certain constructions. According to the petitioners, if at all they have to move out to a different place, they would require certain monetary assistance for the purpose of establishing themselves at the new place altogether afresh.

3. Counsel for the State however referred to Annexure P-2 and drew the attention of this Court that a plain reading of Annexure P-2 would show that the Chief Municipal Officer, Nagar Panchayat, Shivarinarayan has called upon the petitioners to submit all relevant documents in respect of their right of being in possession over the said land, which needs to be verified by the authorities. Therefore, the petitioners should not have any apprehension as of now and any decision would be only in accordance with law alone.
4. Given the said submission by the counsel appearing on either side and on perusal of the records, what reflects is that there are more than one petitioners and all of them are residing at the said place for more than 2

decades. Moreover, each of the petitioners except petitioner no.7 has also got a Patta duly issued in his/her favour and the fact that as of now it is heavy Mansoon season in the State of Chhattisgarh so also is the effect of Corona Pandemic in the area, it would not be proper on the part of the respondents in taking any coercive step against the petitioners as of now.

5. Let the petitioners approach the Chief Municipal Officer, Nagar Panchayat, Shivarinarayan i.e. respondent no.7 and submit the entire records that they have in their possession. The respondent no.7, in turn, in consultation with the State authorities, may take an appropriate decision in accordance with law keeping in view all the aforesaid facts and circumstances of the case.
6. Till the respondents take a decision, the respondents are directed not to initiate any coercive step against the petitioners seeking their eviction from the present place.
7. The writ petition accordingly stands disposed of.

Sd/-
P. Sam Koshy
Judge