

HIGH COURT OF CHHATTISGARH, BILASPUR**WP(C) No. 2391 of 2020**

1. Mohammad Shamsuddin S/o Nurul Hoda Aged About 55 Years R/o House No. 143, Ward No. 04 Coperative Bank Lanenear Old Bus Stand And Police Station Kotwali - Korba District - Korba (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Urban Administration, Mahanadi Bhawan, Mantralaya, New Raipur (Chhattisgarh)
2. The Collector Korba, District Korba (Chhattisgarh)
3. The Commissioner Municipal Corporation, Korba District Korba (Chhattisgarh)
4. The Tehsildar Korba District - Korba (Chhattisgarh)
5. The Estate Officer Municipal Corporation, Korba District Korba (Chhattisgarh)
6. Shri Mohammad Salim S/o Mohammad Abdul Hamid Aged About 44 Years R/o Shop No. 10 Nagar Nigam Complex Itwari Bazar Near Old Bus Stand Korba (Chhattisgarh)

---- Respondents

For Petitioner	: Shri Ashutosh Shukla, Adv.
For State/Resp No. 1,2 &4	: Shri Vivek Ranjan Tiwari, Addl. A.G.
For Resp. No. 3 & 5	: Shri Pankaj Agrawal, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****15.10.2020**

1. The dispute in the present writ petition is in respect of illegal encroachment made in Shop No. 10 in Nagar Nigam Complex at Itwari Bazar Korba, belonging to the Municipal Corporation, Korba.
2. The contention of the petitioner is that he was the official allottee of the said shop and had a lease over the said shop which has expired on 15.02.2015 and his application for renewal is still pending before the respondent-authorities. He has approached the authorities for getting the respondent No. 6 evicted from the said shop who has

illegally encroached upon the same. The documents show that the respondent-Corporation has already issued orders and have also asked the State authorities i.e the concerned Tehsildar to ensure that the possession of the shop is restored with the corporation at the earliest.

3. Given the fact that the respondents have already taken steps for taking possession of the said property from the respondent No. 6 who has allegedly encroached upon the same, this Court is of the opinion that ends of justice would meet, if the writ petition is disposed of directing the respondents No. 2 to 5 to ensure that prompt action is taken in accordance with law so far as possession of Shop No. 10 at the Itwari Bazar in the Nagar Nigam Complex belonging to the Municipal Corporation is concerned.
4. The writ petition accordingly stands disposed of.

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

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HIGH COURT OF CHHATTISGARH, BILASPUR**Review Petition No. 15 of 2021**

Shri Mohammad Salim S/o Mohammad Abdul Hamid, Aged About 44 Years, R/o Shop No. 10 At Nagar Nigam Complex, Itwari Bajar Korba Chhattisgarh

---- Applicant**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Urban Administration, Mahanadi Bhawan, Mantralaya, New Raipur Chhattisgarh
2. The Collector, Korba, District Korba, Chhattisgarh
3. The Commissioner, Municipal Corporation, Korba, District Korba Chhattisgarh
4. The Tehsildar, Korba, District Korba, Chhattisgarh
5. The Estate Officer, Municipal Corporation Korba, District Korba, Chhattisgarh
6. Mohamad Shamsuddin S/o Nurul Hoda, Aged About 55 Years, R/o House No. 143, Ward No. 4, Cooperative Bank Lane Near Old Bus Stand, Police Station Kotwali Korba, District Korba, Chhattisgarh

---- Respondents

For Applicant	:	Mr. Anup Majumdar, Advocate
For State	:	Mr. Rahul Jha, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****11.02.2021**

1. The present petition has been filed seeking review of the order dated 15.10.2020 passed in WPC No. 2391/2020.

2. The ground on which the applicant has approached this Court for a review is that there was certain material suppression of facts by the petitioner while filing the writ petition and objecting the order.
3. Perusal of the order passed by this Court on which review has been sought would show that this Court had directed the respondents 2 to 5 only to act in accordance with law so far as shop no.10 at Itwari Bajar, Korba under the Municipal Corporation is concerned. This observation by this Court would not in any manner mean that the applicant herein i.e. the respondent no.6 in the original writ petition would not be entitled to avail other legal remedies open to him so far as questioning the notice of eviction initiated by the Municipal Corporation, Korba.
4. So far as the possession of the shop i.e. shop no.10 is concerned, it is clarified that the applicant would always be at liberty to avail all the legal remedies that are available to him so far as challenging any notice of eviction that has been issued by the Municipal Corporation before the appropriate forum and which would be considered in accordance with law.
5. With the aforesaid observation, the review petition at this juncture stands disposed of.
6. Let a copy of this order be made part of the record of WPC No. 2391/2020.

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