

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 2380 of 2020**

Smt. Rita Ahuja W/o Satish Ahuja, Aged About 70 Years, R/o Village,
Post, Police Station And Tahsil Chhuriya, District Rajnandgaon,
Chhattisgarh

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through Its Chief Secretary, Mantralaya,
Mahanadi Bhawan, Nawa Raipur, District Raipur, Chhattisgarh
2. The Collector, Rajnandgaon, District Rajnandgaon, Chhattisgarh
3. The Sub Divisional Officer (Revenue) Chhuriya, District Rajnandgaon,
Chhattisgarh
4. The Tahsildar Chhuriya, District Rajnandgaon, Chhattisgarh
5. Police Station Incharge Chhuriya, District Rajnandgaon, Chhattisgarh
6. The Chief Municipal Officer, Nagar Panchayat Chhuriya, District
Rajnandgaon, Chhattisgarh

---- **Respondents**

For Petitioner	:	Shri Love Kumar Ramteke, Advocate
For State	:	Shri Anand Verma, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy

Order On Board

15.10.2020

1. The challenge in the present writ petition is to the notice Annexure P-1 dated 22.09.2020 issued by the respondent no.6 alleging illegal encroachment and construction being made by the petitioner.
2. The contention of the petitioner is that she has been residing at the

said place for a considerable period of time and the dwelling house is also in existence for a very long time. According to the petitioner, she has already approached the state authorities for grant of Patta/lease against the said land and the process of which is almost complete and only a final order is yet to be passed. According to the petitioner, the respondent authorities may not take any coercive step as of now pending the proceedings before the state authorities for grant of Patta/lease.

3. State counsel, at the same time, submits that it is only a notice which has been issued to the petitioner. He submits that the petitioner has all the right and liberty to approach the respondent no.6 and file a detailed reply and based upon the said reply, the respondent no.6 is expected to take a decision in accordance with law.
4. Given the said submission by the counsel for the parties, this Court is of the opinion that the writ petition itself can be disposed of at this juncture directing the petitioner to appear before the respondent no.6 and file a detailed reply including the proceeding for grant of Patta/lease which is pending before the revenue authorities.
5. Let the petitioner appear and submit his explanation before the respondent no.6 within 15 days from today and the respondent no.6, thereafter on due scrutiny of the same, shall take an appropriate decision in accordance with law. Till the respondent no.6 takes a decision after due consideration of the factual matrix of the case, the respondents are restrained from taking any coercive steps against the petitioner either being evicted from the said premises or from carrying on any demolition work on the said site.

6. With the aforesaid observation, the writ petition stands disposed of.

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

Khatai