

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 2517 of 2020**

Srichand Panjwani S/o Ramlal Panjwani, Aged About 62 Years, R/o Sindhi Colony, Baloda Bazar, Tahsil Baloda Bazar, District Baloda Bazar-Bhatapara, Chhattisgarh

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through the Secretary, Urban Administration Department, Mantralaya, Atal Nagar, Nava Raipur, District Raipur, Chhattisgarh
2. State Of Chhattisgarh Through The Secretary, Rajaswa Avam Aapda Prabandhan Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nava Raipur, District Raipur, Chhattisgarh
3. The Commissioner, Raipur Division, Raipur, District Raipur, Chhattisgarh
4. The Collector, Baloda Bazar, District Baloda Bazar-Bhatapara, Chhattisgarh
5. Sub Divisional Officer (Revenue) Baloda Bazar, District Baloda Bazar-Bhatapara, Chhattisgarh
6. The Tahsildar, Baloda Bazar, District Baloda Bazar-Bhatapara, Chhattisgarh
7. Chief Municipal Officer, Nagar Palika Parishad, Baloda Bazar, District Baloda Bazar-Bhatapara, Chhattisgarh

---- **Respondents**

For Petitioner	:	Mr. Pushpendra Kumar Patel, Advocate
For State	:	Mr. Anand Verma, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy

Order On Board

03.11.2020

1. The challenge in the present writ petition is to the notice dated 22.04.2020 (Annexure P-1) issued by the respondent no.7.
2. The contention of the petitioner is that for the purpose of livelihood he had put a small roadside shop in front of RTO office from where he has been earning his livelihood for about 10 years for which he has also been paying fees to the respective local body. However, now abruptly, he has been served with Annexure P-1 dated 22.04.2020 whereby the respondent no.7 has asked the petitioner to remove the illegal encroachment in the form of the shop that he is operating.
3. Counsel for the petitioner submits that the State of Chhattisgarh had framed a policy in the year 2019 for the purpose of issuance of lease/Patta to those persons who are occupying government land without any proper authority upon paying due fees and charges as determined by the State. The petitioner herein also moved an application in this regard before the respondents and the same has also been duly registered and the Tehsildar has already drawn a proceeding in this regard calling upon objection from any corner in respect of the allotment of the said land to the petitioner. Counsel for the petitioner submits that the said application is still pending consideration and till the application of the petitioner is decided, the respondent no.7 may be directed not to take any coercive step for removing the petitioner from the said place.
4. State counsel, however, opposing the petition submits that there is no pleading to the effect that the petitioner is operating the said shop for a period of 10 years. Second contention of the state counsel is that the petitioner was issued with a notice way back on 22.04.2020 and it is only much after the service of the said notice, the petitioner has now

approached the state authority for allotment of the said land in his favour. According to the State counsel, as on date, the petitioner is an encroacher upon the government land since there is no proper valid document in his favour to establish his right over the said property.

5. Having heard the contentions put forth on either side and on perusal of the record, undisputedly the petitioner has now approached the revenue authorities for allotment of Patta/lease in his favour in terms of the government policy prevailing as on date. The said application has been duly taken note of by the Tehsildar, Baloda Bazar who has issued a publication on 10.08.2020 calling upon objection if anybody has in the allotment of the said land to the petitioner. Since the Tehsildar has already drawn a proceeding for considering the application which the petitioner has moved and has also called upon objection from any corner if any, this Court is of the opinion that the petitioner deserves to be protected as long as the application is decided by the Tehsildar, Baloda Bazar.
6. It is made clear that the Tehsildar, Balodabazar shall also call upon the respondent no.7 seeking their objection, if any, pursuant to Annexure P-1 dated 22.04.2020 that they had issued to the petitioner in respect of the said land and after due consideration of all the objections, if any, an appropriate decision be taken by the Tehsildar and other revenue authorities. Till then, as an interim measure, it is ordered that no coercive step shall be taken against the petitioner pursuant to Annexure P-1 dated 22.04.2020.

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