

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2927 of 2020**

- Smt. Anita Sidar W/o Shri Laxmi Sidar Aged About 36 Years R/o Village Chikhli, Tahsil Pusaur District Raigarh Chhattisgarh.

---- Petitioner**Versus**

1. Gram Panchayat Chikhli Through Sarpanch, Gram Panchayat Chikhli, Janpad Panchayat Pusaur, Raigarh, District Raigarh Chhattisgarh.
2. The Secretary Gram Panchayat Chikhli, Janpad Panchayat Pusaur, Raigarh District Raigarh Chhattisgarh.

---- Respondents

For Petitioner : Shri Vineet Kumar Pandey, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****26.11.2020**

Heard

1. Learned counsel for the petitioner would submit that the petitioner was allotted a shop wherein he was carrying business of barber continuously since 2014. He further submits that on 28.09.2020 (Annexure P-3) he was served with a notice that from June 2018 to September 2020 he has not paid the monthly rent of Rs. 8,400/-, therefore he was called upon to deposit this amount and get the receipt. He further submits that he has deposited the amount in the bank on 20.10.2020 vide Annexure P-4 but despite the fact that he has deposited the amount again order dated 13.11.2020 (Annexure P-1) has been passed whereby he has again been asked to deposit Rs. 8,700/- for June 2018 to October 2020. He would further submit that the contents of the order are factually incorrect which would be evident from the deposit slip (Annexure P-4) wherein the petitioner has already deposited Rs. 8,400/- in the bank account of Gram Panchayat. Therefore, the petitioner may not be evicted as ordered by order dated 13.11.2020

(Annexure P-1) as no opportunity of hearing was given to him. He further submits that he undertakes to deposit the monthly rent as and when falls due on each succeeding months but since Annexure P-1 is passed without giving any opportunity of hearing to the petitioner the same may be quashed.

2. Prima facie perusal of the documents attached with this petition shows that the petitioner was initially served with a notice dated 28.09.2020 (Annexure P-3) to deposit amount of Rs. 8,400/-, it was deposited on 20.10.2020 in the C.G. Rajya Gramin Bank which is evident from the Annexure P-4. Thereafter, the order dated 13.11.2020 (Annexure P-1) has been passed and again rent has been demanded from June 2018 to October 2020 whereas the documents would show that as against the earlier notice whereby the rent was asked for June 2018 to September 2020 i.e. Rs. 8,400/- was deposited by the petitioner. Therefore, it appears that Annexure P-1 has been passed on wrong factual background and without giving any opportunity of hearing to the petitioner. Consequently, the respondents are directed to give opportunity of hearing to the petitioner and respondents shall also take into consideration the deposition of Rs. 8,400/- which is made by the petitioner in the bank.
3. Considering the fact that prima facie order dated 13.11.2020 (Annexure P-1) appears to be passed without giving any hearing to the petitioner, therefore the rules of natural justice were given a go by, consequently the same is set aside. The Respondents are directed to pass fresh orders after giving opportunity of hearing to the petitioner.
4. In view of the above, the petition stands disposed of.

Sd/-
(Goutam Bhaduri)
Judge