

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 28 of 2021

Pannalal Soni S/o Late Mahesh Ram Soni Aged About 65 Years
R/o Ward No. 1, Panna Jewellers, Bus Stand Bilaigarh, P.S.
Bilaigarh, District Balodabazar Bhatapara (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through - The Secretary, Nagri Prashasan Avam Vikas Vibhag, Mahanadi Bhawan, Mantralaya, Atal Nagar, Raipur, District- Raipur (Chhattisgarh)
2. The Director Nagri Prashasan Avam Vikas Vibhag, Indravati Bhawan, Atal Nagar, Raipur, District- Raipur (Chhattisgarh),
3. The Chief Municipal Officer Nagar Panchayat, Bilaigarh, District Balodabazar Bhatapara (Chhattisgarh)

---- Respondents

For petitioner – Shri A.S. Rajput, Advocate.
For State – Shri Gagan Tiwari, G.A.
For respondent No.3 - Shri Sudeep Agrawal, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order

06/01/2021

Heard.

1. Learned counsel for the petitioner would submit that the respondent No.3 has proposed to demolish the shop which is 40 years old and constructed over a bhoomi swami right khasra No.856/2, admeasuring 0.002 hectare at Bilaigarh, District Balodabazar Bhatapara and the construction is being proposed to be removed for widening of the road gaurav path. Learned counsel for the petitioner would submit that the petitioner who has constructed the shop 40 years back cannot be removed otherwise than in due course of law.
2. Per contra, learned counsel for respondent No.3 would submit that the Nagar Panchayat would not act against any provisions of law and the petitioner was only served with a notice on 1/12/2020 and 30/12/2020 to

place the document pertaining to the construction which is made. In case the land is required for widening of the road and if the widening passes through a private land, then in such case a person cannot be evicted otherwise than in due course of law.

3. Under the circumstances, the respondent and the State authorities are directed to demarcate the land of the petitioner bearing khasra No.856/2, admeasuring 0.002 hectare at Bilaigarh to find out whether the petitioner is seized over his private land/lease land and further if widening of the road takes within its sweep the private land of the petitioner, then he shall not be evicted otherwise than in due course of law and for taking of the possession due procedure of law shall be followed. Till such demarcation work is carried out with a hearing to the petitioner, no demolition shall be carried out in respect of the superstructure which is existing. Demarcation may be carried out as early as possible. The State Government is also further directed to get the demarcation done through the competent authority under the Land Revenue Code.

4. With such observation, the petition stands disposed of.

Sd/-

(Goutam Bhaduri)

JUDGE