

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 139 of 2021

1. Om Prakash Sahu S/o Late Shri Darasram Sahu, Aged About 40 Years, R/o Bilaigarh, Police Station Bilaigarh, District Balodabazar Bhatapara Chhattisgarh.
2. Manharan Sahu, S/o Late Shri Darasram Sahu, Aged About 36 Years R/o Bilaigarh, Police Station Bilaigarh, District Balodabazar, Bhatapara Chhattisgarh.
3. Smt. Sunita Sahu, W/o Shri Narendra Kumar Sahu, Aged About 45 Years R/o Village Dhansir, Police Station Saliha, Tahsil - Bilaigarh, District Balodabazar Bhatapara Chhattisgarh.

---- Petitioners

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 petitioners – Shri A.S. Rajput, Advocate.

For State – Shri Gagan Tiwari, Dy.G.A.

For respondent No.3 - Shri S.S. Painkra, Advocate appears on behalf of Shri Sudeep Agrawal, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order

13/01/2021

Heard.

1. Learned counsel for the petitioners would submit that the respondent No.3 has served a notice and proposed to demolish construction of the petitioners which is situated over the land bearing khasra No.187/1/14 admeasuring 192 sq.ft at Bilaigarh, District Balodabazar Bhatapara and the construction is being proposed to be removed for widening of the road gaurav path. Learned counsel would

submit that the petitioners through their predecessor in title were granted the bhoomi swami right in the year 2017-2018 in respect of the abadi plot wherein the house was constructed, therefore the possession being legal same 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 petitioners were only served with a notice on 1/12/2020 to place the document pertaining to the construction which is made.

3. Under the circumstances, the respondent and the State authorities are directed to demarcate the land of the petitioners bearing khasra No.187/1/14 admeasuring 192 sq.ft at Bilaigarh, to find out whether the petitioners are seized over their private land/lease land and further if widening of the road takes within its sweep the private land of the petitioners, then they 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 petitioners, 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.

Certified copy today.

Sd/-

(Goutam Bhaduri)

JUDGE