

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 135 of 2021

1. Shivkumar Nirmalkar S/o Jagbandhu Nirmalkar Aged About 56 Years R/o Patel Chowk, Tikarapara, Raipur, District Raipur Chhattisgarh.
 2. Mukesh Kumar Nirmalkar S/o Shri Shivkumar Nirmalkar Aged About 32 Years R/o Patel Chowk, Tikarapara Raipur, District Raipur Chhattisgarh.
 3. Chandra Kishore Nirmalkar S/o Shri Shivkumar Nirmalkar Aged About 30 Years R/o Patel Chowk, Tikarapara Raipur, District Raipur Chhattisgarh.
 4. Jairam Das Panjwani S/o Chijaram Panjwani Aged About 53 Years R/o Nathani Bada, Sadar Bazar Raipur District Raipur Chhattisgarh.
 5. Sumeet Panjawani S/o Inder Panjwani Aged About 30 Years R/o Nathani Bada, Sadar Bazar, Raipur, District Raipur Chhattisgarh.
 6. Shyam Kumar Mahobia S/o Late Bhaiyaram Mahobia Aged About 54 Years R/o Ganga Niwas, Aadarsh Nagar, Kushalpur, Raipur, District Raipur Chhattisgarh.
- Petitioners**

Versus

1. Municipal Corporation Raipur through The Commissioner Municipal Corporation Raipur, Raipur District Raipur Chhattisgarh.
 2. The Commissioner Municipal Corporation Raipur, Raipur, District Raipur Chhattisgarh.
 3. Zone Commissioner Zone No. 4, Municipal Corporation Raipur, Raipur District Raipur Chhattisgarh.
- Respondents**

For the Petitioner	: Mr. Ashish Surana, Advocate
For the respondents	: Mr. Pankaj Agrawal, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

12.01.2021

1. Challenge in this writ petition is to the notice dated 06.01.2021 (Annexure P-1) whereby the petitioners have been directed to vacate the shops which are in their hold at Municipal Corporation, Raipur, which falls within the market area. It is contended that the petitioners are the purchasers of the superstructure from the original allottee of

the Municipal Corporation and their names were mutated in the records of the Municipal Corporation, however, in order to construct a commercial superstructure, the petitioners have been asked to vacate the shops so that the construction can be carried out. He would submit that the petitioners are in possession of the shops after they purchased the same from the original allottee and they cannot be forced to vacate the same otherwise than in due course of law.

2. Learned counsel for the respondents would submit that the petitioners have not been allotted the shop and they are required to be evicted.
3. Perusal of the notice dated 06.01.2021 (Annexure P-1) would show that the petitioners have been asked to vacate the shop primarily on the ground that certain commercial complex is to be raised in those places. In any case, the tenure of notice would show that vacation is sought for the reason that a commercial complex is to be raised. The need being so, petitioners cannot be asked to vacate the shop by force otherwise than in due course of law. Therefore the part of the notice dated 06.01.2021 (Annexure P-1) wherein the petitioners have been asked to be forcefully dispossessed cannot be acted upon. Consequently, the petitioners would be given a hearing against notice dated 06.01.2021 and after due hearing any order may be passed and dispossession of the petitioners from the superstructure occupied as of now shall not be carried out otherwise than in due course of law.
4. With the aforesaid observation, the petition stands disposed of.

Sd/-
GOUTAM BHADURI
JUDGE