

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.(C) No. 149 of 2021

Smt. Vinita Gupta, W/o. Dinesh Kumar Gupta, Aged About 45 Years, R/o. Ward No. 12, Ramanujganj Chandani Chowk, Shopping Complex, Shop No. 11, Ramanujganj, District Balrampur Ramanujganj Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, Urban Administration And Development Department, Mahanadi Bhawan, Mantralaya, Nawa Raipur Chhattisgarh.
2. The Chief Municipal Officer, Nagar Panchayat, Ramanujganj, District - Balrampur - Ramanujganj Chhattisgarh.
3. The Tahsildar, Ramanujganj, District Balrampur - Ramanujganj Chhattisgarh.

---- Respondents

For Petitioner : Mr. Rahul Mishra, Advocate

For State : Mr. Gagan Tiwari, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

13.01.2021

Heard

1. The present petition is against the notice dated 02.01.2021 wherein it has been stated that the petitioner has encroached upon certain part of land behind his shop which is situated over khasra No.1474 at Ward No.2.
2. Learned counsel for the petitioner would submit that the said notice is premeditated and the petitioner cannot be forcefully evicted and in respect of the additional land, the petitioner's possession was legalized which would be evident from Annexure P-2, the letter dated 05.07.2019 issued by the Nagar Panchayat Ramanujganj and pursuant thereto Rs.1,15,000/- was deposited by the petitioner.
3. The tenor of the notice dated 02.01.2021 would show the allegation about the temporary encroachment made behind the shop, if petitioner is in hold

of additional land apart from the allotted original shop and land, it is to be ascertained after due verification of the fact, which cannot be done by this Court. Therefore the petitioner is referred back to the Tahsildar and she shall appear before the Tahsildar to place her document and the Tahsildar thereafter would adjudicate the fact whether the petitioner has made additional encroachment apart from the original land and additional land which were allotted. After such enquiry, the Tahsildar shall pass the suitable orders after hearing the petitioner. Till such exercise is completed, no coercive action against the petitioner shall be taken for demolition and dispossession in respect of the subject land, which is alleged to have been encroached.

4. With the aforesaid observation, the petition stands disposed off.

Sd/-
(Goutam Bhaduri)
Judge

Aks