

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 772 of 2021

Sandhya Jagat W/o Nakul Jagat Aged About 32 Years R/o
Amrit Home Fase 2, Block E 24 Purena Raipur District Raipur
Chhattisgarh. **-- Petitioner**

Versus

1. Municipal Corporation Raipur through its Commissioner
Raipur Municipal Corporation White House Near Mahila Thana
Chowk Raipur District : Raipur, Chhattisgarh
2. Collector Raipur Police Station Raipur , Police Station GOI
Bazar, District Raipur Chhattisgarh. **--- Respondents**

For the Petitioner	: Mr. Badruddin Khan, Advocate
For Respondent No.1	: Mr. Pankaj Agrawal, Advocate
For the State/R-2	: Mrs. Richa Shukla, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16.02.2021

1. Learned counsel for the petitioner submits that the petitioner was initially residing at Rajiv Pandey Nagar over a small area of 300 sq.ft., and built a house. The Municipal Corporation demolished the slum area of Rajeev Pandey Nagar and rehabilitated the petitioner on temporary basis at Boriyakala on assurance that as and when the construction of houses under the Pradhan Mantri Awas Yojna are made and ready, she would be shifted. Thereafter, an amount of Rs.25,000/- was deposited with the Municipal Corporation and she was allotted the residential house at E-Block, Quarter No.24 at Amrit Home, Purena. Learned counsel refers to token number and the quarter number, copies of which are annexed to the petition. Subsequently again the petitioner has been

forcefully removed from the aforesaid allotted house without she being rehabilitated. Therefore, the petitioner may be directed to be rehabilitated and at present she is residing in one of the vacant houses at Amrit Home and she may not be forcibly vacated.

2. Learned counsel for the respondent submits that the receipt on which the petitioner has placed reliance (Annexure P-1) of Rs.25,000/-, various receipts of like nature were produced by different occupants which were found to be fake. Therefore, individually the petitioner's case would be considered as to whether she was initially removed from Rajeev Pandey Nagar and whether the subsequent receipts are fake or original and thereafter accordingly as per the Policy, the decision would be taken.
3. Considering the submission of the parties since it is stated that the petitioner was initially occupant of Rajeev Pandey Nagar wherein in a small house she was an occupant wherefrom she was removed and was placed at Boriyakala, if she was initially removed from the place and was settled in another place then the same status would continue and right to be rehabilitated would not come to an end. The petitioner though had claimed that she has further paid Rs.25,000/- vide receipt Annexure P-1 dated 21.09.2012 whereby she was shifted at Amrit Home, Purena but the Municipal Corporation claim that there are certain receipts which were found to be fake, the Municipal Corporation is directed to scrutinize the individual case of the petitioner and thereafter if she was initially rehabilitated at Boriyakala from Rajeev Pandey Nagar then in such case, the petitioner would be entitled for rehabilitation again. On examination of receipt

Annexure P-1 of Rs.25000/-, if it is found fake, she may not be entitled for the house at Amrit Home Purena but in such a case, the right of rehabilitation which she was earlier rehabilitated at Boriyakala cannot be taken away. Therefore, after examination of the individual case of the petitioner, suitable order should be passed for rehabilitation/ accommodation of the petitioner in accordance with the policy and rules, at par with likewise persons who were rehabilitated, which are prevailing with the Municipal Corporation.

4. With the above observation/direction, this writ petition stands finally disposed of.

**Sd/-
GOUTAM BHADURI
JUDGE**