

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1192 of 2021

Shiv Kumar Singh, S/o. Brahmadatt Singh, Aged About 42 Years, R/o. Jawahar Nagar, Rambhata, Raigarh, District Raigarh, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, Revenue And Disaster Management Department, Mantralaya, Mahanadi Bhawan, Atal Nagar Nawa Raipur, District Raipur, Chhattisgarh
2. The Collector, District Raigarh, Chhattisgarh
3. The Tahsildar, Nazul-Raigarh, District Raigarh, Chhattisgarh

---- Respondents

For Petitioner : Mr. Y.C.Sharma, Advocate

For State : Ms. Shreya Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

26.02.2021

Heard

1. Learned counsel for the petitioner submits that the petitioner was served with a notice dated 21.12.2020 (Annexure P-1) wherein he was directed to vacate a part of the land in plot No.22 wherein he is running his Cycle shop. He submits that the petitioner has submitted an application for settlement of the said land in his favour according to the policy of the State dated 11.09.2019 as the respondents have settled the part of such land in favour of the other similarly placed persons. He submits though the application of the petitioner is pending yet instead of deciding the same, the notice was served. It is submitted that though after notice on 26.12.2020 no ejectment was carried out, but recently 7 days back, the petitioner has been orally directed that he will be evicted soon.
2. Records shows that the notice for eviction, which is under challenge Annexure P-1 is dated 21.12.2020 wherein the petitioner was directed to vacate the shop/ area by 26.12.2020. Since the time has already

lapsed and the petitioner claimed that he has filed an application for settlement of the said land in his favour, it is directed that before any forceful eviction of the petitioner is adopted, the petitioner should be served with a proper notice for hearing and after giving the reasonable opportunity of hearing to the petitioner, the order may be passed. During such hearing, if the petitioner claims for settlement of the land in his favour that may be taken into consideration in accordance with policy.

3. With such observation, the petition stands disposed off.

Sd/-
(Goutam Bhaduri)
Judge

Aks