

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1421 of 2021

Bharat Kumar Rohila S/o Brahmdatt Singh Aged About 42 Years R/o
Jawahar Nagar, Rambhata, Raigarh District Raigarh Chhattisgarh,
--- **Petitioner**

Versus

1. State of Chhattisgarh through the Department of Revenue and Disaster Management, Mahanadi Bhawan, Naya Raipur, Atal Nagar District Raipur Chhattisgarh.
2. The Collector District Raigarh Chhattisgarh
3. The Tahsildar Nazul Raigarh District Raigarh Chhattisgarh ---
Respondents

For Petitioner : Mr. Sachin Nidhi, Advocate

For the State : Mr. Somkant Verma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

10.03.2021

Heard

1. Learned counsel for the petitioner submits that the petitioner was initially served with a notice dated 29.10.2020 (Annexure P-1) that he is in unauthorised occupation of Plot Nos. 22 & 23 and was running a pan shop without any valid documents. Subsequently the eviction warrant was issued on 21.12.2020. It is submitted that he has filed an application on 05.01.2021 before the Commissioner stating that he is in possession of the land in question for the last two decades and is paying the electricity charges and as per the policy dated 11.09.2019, he wants to retain the said land on payment of certain amount under the settlement scheme. Learned counsel submits that the respondents have settled the part of such land in favour of other similarly situated persons. He would submit that the application of the petitioner is still pending and instead of deciding the same the

petitioner has been orally asked to vacate the premises or otherwise he will be evicted pursuant to the notice dated 26.02.2020.

2. The records would show that the notice for eviction was initially issued to the petitioner on 29.10.2020. Subsequently the eviction warrant was issued on 21.12.2020/23.12.2020 wherein the petitioner was directed to vacate the shop. Since considerable time to vacate the shop has already lapsed, an application was filed for settlement of the said land in his favour, Therefore, it is directed that before any forceful eviction of the petitioner is adopted, the petitioner shall be served with a proper notice for hearing and after giving the reasonable opportunity of hearing to the petitioner, any 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 the Policy of the State.
3. With such observation, this writ petition stands disposed off.

Sd/-
(Goutam Bhaduri)
Judge