

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1661 of 2021

Ramesh Kumar Agrawal S/o Late Shri Sagarmal Agrawal Aged About 64
Years R/o M.G. Road, Kotra Marg, Ward No. 40, Raigarh , District Raigarh ,
Chhattisgarh. **--- Petitioner**

Versus

1. State of Chhattisgarh through the Secretary, Department of Urban Administration and Development Mantralaya, Mahanadi Bhawan, Atal Nagar, New Raipur Chhattisgarh.
2. The Municipal Corporation Raigarh Through Its Commissioner, Having Office At Nagar Nigam Building , Raigarh , District Raigarh Chhattisgarh.,
3. Collector Raigarh District Raigarh Chhattisgarh.
4. Nazul Officer Raigarh District Raigarh Chhattisgarh.

--- Respondents

For petitioner –	Shri Ishan Verma, Advocate.
For State-	Smt. Richha Shukla, Dy. Govt. Advocate
For respondent No.2 –	Shri Pankaj Agrawal, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order

22-03-2021

Heard.

1. Learned counsel for the petitioner would submit that the petitioner is in occupation of the land bearing plot No.189/1 at sheet No.44 at Tehsil Raigarh, District Raigarh and over 400 sq.ft., of land, the house was constructed which bears No.65 (New House No. 341) wherein the petitioner gets on his livelihood. Learned counsel submits that as per the recent policy of the State dated 11th September, 2019 (Annexure P-4) the petitioner has applied for settlement of the said land in his favour for which necessary publication is already made by the Nazul Officer, Raigarh by Annexure P-5 inviting objection. He would submit that in the meanwhile the petitioner is served with a notice dated 11/02/2021 by the

Municipal Corporation whereby there is all likelihood that the petitioner would be ejected though the land do not belong to the Municipal Corporation, therefore, the Municipal Corporation may be restrained to take any coercive action in furtherance of notice Annexure P-1 dated 11/02/2021.

2. Learned counsel for the Municipal Corporation would submit that notice Annexure P-1 is not with respect to dispossession but it is with respect to construction without any permission.

3. In view of such submission, after reading Annexure P-1 dated 11/02/2021, it is observed that the petitioner may appear before the Municipal Corporation pursuant to notice dated 11/02/2021 and may justify the action by necessary document and the Municipal Corporation after hearing the petitioner giving the opportunity may pass suitable order. However, it is made clear that the Annexure P-1 dated 11/02/2021 shall not be construed to dispossess the petitioner at the behest of Municipal Corporation.

4. With such observation, the petition stands disposed of.

Sd/-

(GOUTAM BHADURI)
JUDGE