

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1851 of 2021

- Nitin Motwani S/o Rajkumar Motwani Aged About 32 Years R/o Golden Men's Wear, Near Old Bus Stand, Kanker, District Kanker Chhattisgarh.

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary The Dept Of Revenue And Disaster Management, Mahanadi Bhawan, Naya Raipur, Atal Nagar, District Raipur Chhattisgarh.
2. The Chief Municipal Corporation Kanker District Kanker Chhattisgarh
3. The Collector District Kanker Chhattisgarh.
4. The Tahsildar District Kanker Chhattisgarh.
5. The Naib Tahsildar (Nazul Adhikari), Kanker, District Kanker Chhattisgarh.

---- **Respondents**

For Petitioner : Shri Sachin Nidhi, Advocate

For Respondent/ State : Ms. Richa Shukla, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

06.04.2021

Heard

1. Learned counsel for the petitioner submits that the petitioner was served with a notice dated 28.12.2019 for eviction stating that he is in illegal occupation of Plot. No. 99/1 admeasuring 28 sq. m out of 9642 sq. m. at Manjhapara Kanker. He would submit that the petitioner after receipt of the notice filed an application that the Kh. No. 13A , plot No. 99/1 admeasuring area 28 sq. m. to be settled in his favour according to the policy of the State dated 11.09.2019. It is further stated that the petitioner is running a mens wear shop which is the

main source of his livelihood for many years and he is in possession of the land for last 30 years. He further submits that the respondents have settled the land in favour of similarly placed employees but the application of the petitioner is still pending and instead he has been served with eviction notice and has been directed to evict the the premises or else he would be forcefully removed.

2. Perused the documents.
3. Perusal of the documents would show that the notice of eviction was initially issued to the petitioner on 28.12.2019. Since considerable time for eviction of shop has already been lapsed and the petitioner has made an application for settlement of land in his favour and as per Annexure P-7 revenue case is already pending. Under the circumstances, it is directed that no forceful dis-possession of the petitioner shall be done and the petitioner shall be served with proper notice for hearing and after giving reasonable opportunity of hearing to the petitioner, any order may be passed. Simultaneously, it appears that the petitioner has filed an application for settlement of land in his favour, the same may be decided and concluded according to the policy of the State within a reasonable time.
4. With the aforesaid observation the petition stands disposed of.

Sd/-
(Goutam Bhaduri)
Judge

Jyoti