

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1961 of 2021**

- Santram Sahu S/o Late Shri Preetam Lal Sahu Aged About 70 Years R/o TE-08, C S E B Colony Korba, Police Station Kotwali Korba And Tehsil Korba, District Korba Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Revenue Department, Mahanadi Bhawan, Mantralaya, New Raipur, Police Station Rakhi, District Raipur Chhattisgarh
2. The Collector Korba District Korba Chhattisgarh
3. The Sub Divisional Officer (Revenue) Korba, District Korba Chhattisgarh
4. The Executive Engineer Division III Chhattisgarh State Power Holding Company Limited, Korba (East) District Korba Chhattisgarh

---- Respondents

For Petitioner : Shri Ashutosh Shukla, Advocate

For Respondents/State : Ms. Sunita Jain, GA

Hon'ble Shri Justice Goutam Bhaduri**Order****06/04/2021**

1. Heard.
2. Challenge in this petition is to the notice dated 01.03.2021 (Annexure P-1) issued by the SDO (R), Korba whereby the petitioner has been asked to vacate the quarter which is occupied by him bearing No.TE-08 CSEB Colony Korba.
3. Learned counsel for the petitioner would submit that the petitioner was the ex-employee of the CSEB Korba and the SDO is not authorized to issue such

notice which would be evident from the document Annexure P-2 wherein the Executive Engineer, Electricity Board has informed that they are taking the action. Consequently, the SDO do not have the power to issue such notice as the property belongs to the CSEB.

4. I have heard learned counsel for the petitioner and perused the documents.
5. Since the actions have been contemplated under the C.G. Lok Parisar (Bedakhali) Adhiniyam, 1974 (for short 'the Act, 1974'), the petitioner can very well raise this issue before the competent authority. Even otherwise as per Section 9 (2) of the Act, 1974 the appeal would lie before the appellate authority. It is not clear before this Court as to who is the owner of the said property and considering the age of the petitioner it appears that almost 10 years have passed from the retirement of the petitioner. In view of this, this Court would not go into fact finding as to who is the owner of the quarter No. TE-08 CSEB Colony Korba for which the eviction notice has been issued. The petitioner can very well defend his case before the authority and if aggrieved may also avail the appropriate remedy of appeal. The petition before this forum is premature at this stage.
6. It is accordingly dismissed.

Sd/-
Goutam Bhaduri
Judge

Ashu