

HIGH COURT OF CHHATTISGARH, BILASPURWPC No. 2172 of 2021

Pramod Kumar Mittal S/o Shri Shyam Sundar Mittal, Aged About 55 Years R/o Sanjay Complex, Shanti Bhawan, 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, District : Raigarh, Chhattisgarh
3. Collector, Raigarh, District Raigarh Chhattisgarh.
4. Nazul Officer, Raigarh, District Raigarh Chhattisgarh.---

Respondents

For the Petitioners	: Mr. Ishan Verma, Advocate
for respondent-State	: Mr. Gagan Tiwari, Dy. Govt. Advocate.
For respondent no.2	: Mr. Pankaj Agrawal, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****23.06.2021**

1. Learned counsel for the petitioner would submit that the petitioner is in possession and enjoyment of the Plot No.189/1, sheet No.44 situated in Raigarh and over 350 sq.feet.,of land a shop/house was constructed wherein the petitioner gets 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 iniving 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 likelihood of his eviction 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. 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 occupation by necessary document and the Municipal Corporation after giving opportunity of hearing to the petitioner may pass the suitable order. It is also directed that if the petitioner has not yet been dispossessed, he shall not be dispossessed until proper opportunity is given.
3. With such observation, this writ petition stands disposed of.

Sd/-
GOUTAM BHADURI
JUDGE