

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2334 of 2021

Sayed Hasan Ali S/o Mr. Vahid Ali, Aged About 65 Years R/o 24/276, Tatyapara Ward, Near Nayapara Masjid, Raipur Chhattisgarh,

---- Petitioner

Versus

1. Municipal Corporation, Raipur Through Its Commissioner, Municipal Corporation, Raipur Chhattisgarh,
2. The Commissioner, Municipal Corporation, Raipur, Raipur District Raipur Chhattisgarh
3. Zone Commissioner, Zone No. 4, Municipal Corporation, Raipur Chhattisgarh.

---Respondents

For petitioner – Shri Raza Ali, Advocate.

For respondents/Municipal Corporation- Shri Pankaj Agrawal, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order

10/06/2021

Heard.

1. Challenge in this petition is to the letter dated 4/06/2021 issued by the Municipal Corporation, Raipur wherein the petitioner has been asked to submit necessary documents with respect to ownership/lease of premises on what basis they are in occupation of premises. A time limit of seven days has been given. The notice purports that in absence of any valid paper the superstructure would be forcefully demolished.
2. Learned counsel for the petitioner submits that on the earlier occasion similar notice was given, however Municipal Corporation submitted that the person who are evicted shall be rehabilitated, it was in the year 1997. Thereafter nothing has transpired and again this notice has been given and the petitioner is in occupation of the superstructure for which taxes are paid, therefore notice in question be quashed.

3. Learned counsel for respondents/Municipal Corporation would submit that the petitioner is in occupation of the land without there being any valid lease or any document of ownership of the area wherein he is in occupation. Learned counsel further submits that with the change of time and circumstances necessitated all occupation of the petitioner are required to be ascertained. Therefore he has been asked to submit documents. Learned counsel submits that if the petitioner do not have any valid document of ownership or valid existing lease in their favour they cannot continue only on the mere basis of the tax receipts which do not confer any title. It is submitted that in few cases temporary lease of petitioners had expired long back. Learned counsel for the Municipal Corporation on instruction would submit that respondents/Municipal Corporation would consider the case of the petitioner if he files reply alongwith the relevant documents and thereafter after giving him opportunity of hearing the orders will be passed.
4. In view of such submission, nothing remains to be adjudicated at this stage by this Court. It is directed that the petitioner shall be at liberty to file the reply alongwith all the relevant documents before the Municipal Corporation, Raipur within a period of seven days. Thereafter in the event the reply alongwith relevant documents are filed, after giving opportunity of hearing to the petitioner, the respondent/Municipal Corporation shall decide the cause of the petitioner within a period of 30 days. Till then no forceful demolition or dispossession of the petitioner shall be made.
5. With such observation, the petition stands disposed of.

Sd/-
(Goutam Bhaduri)

Judge