

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2333 of 2021

Javed Hussain S/o Late Shri Mohammad Hussain Aged About 61 Years R/o In The Left Side Of Evergreen Chowk To Moti Bag Chowk, Shastri Bazar, Raipur 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. Collector Raipur Chhattisgarh Collectorate, Kutchery Chowk, Raipur Chhattisgarh.
3. The Municipal Corporation Raipur, Through Its Commissioner, Having Office At White House Building, Near Gandhi Chowk, Raipur Chhattisgarh.
4. The Zone Commissioner Zone No. 4 Municipal Corporation, Raipur, Chhattisgarh.
5. Executive Engineer Municipal Corporation, Raipur Chhattisgarh.

---Respondents

For petitioner – Shri Arijit Tiwari, Advocate.

For State – Shri Gagan Tiwari, Dy.G.A.

For respondents No.3 to 5/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 submit that on the earlier occasion in 2017 similar instance happened and the reply was filed,

however nothing has been adhered to and again same repetition is made.

3. Learned counsel for respondents No.3 to 5/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. 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 respondent/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