

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2492 of 2021

Narayan Sonber, S/o. Late Shri Dhimra Sonber, Aged About 68 Years, R/o. Ward No.9, Kanpa (Kapa), Birkoni, Mahasamund, District Mahasamund, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, Department Of Revenue And Disaster Management, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, Chhattisgarh.
2. The Collector, District Mahasamund, Office Of District Collector Mahasamund, District Mahasamund, Chhattisgarh.
3. Tahsildar Mahasamund, District Mahasamund, Chhattisgarh.
4. Sarpanch, Gram Panchayat Kanpa, Birkoni, Mahasamund, District Mahasamund, Chhattisgarh.
5. Sajid Khan, S/o. Shabbir Khan, Aged About 48 Years, R/o. Ward No.9, Kanpa (Kapa), Birkoni, Mahasamund, District Mahasamund, Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Anchal Kumar Matre, Advocate
For State	:	Mrs. Astha Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

ORDER

24.06.2021

Heard

1. Learned counsel for the petitioner submits that without any proceeding, all of a sudden, the petitioner was served with a notice dated 04.06.2021 (Annexure P-1) wherein he was asked to remove the alleged construction, which was being made on the road. He further submits that the petitioner is a senior citizen and he has never been heard and directly such orders have been passed and if the demolition is carried out, then in such case, the petitioner would suffer an irreparable loss as he is residing in the said house. The counsel further submits that during the pandemic period, the petitioner may be protected from being illegally evicted.
2. The order dated 04.06.2021 appears to be passed in a proceeding bearing No.452/Ka./Va.Tah./2021 Mahasamund and certain reference of order is of 13.03.2021. Since the order is passed by the Tahsildar, it would be appealable

before the S.D.O. Considering the pandemic situation as prevailing and the age of petitioner, the petitioner may file suitable appeal before the S.D.O. within a period of 30 days against the proceeding, which has been drawn against the petitioner, as it is claimed that the petitioner was not noticed. The petitioner may also file an appropriate application before the Court of Tahsildar according to the facts of this case. Therefore, it is directed that till further period of 45 days from today there shall not be any forceful demolition be carried out, or the petitioner shall not be forcefully evicted from the land.

3. With the aforesaid observation, the petition stands disposed off.

Sd/-
(Goutam Bhaduri)
JUDGE

Aks