

## **HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPC No. 2666 of 2021**

1. Purshottam Yadav S/o Late Shyamsundar Yadav Aged About 52 Years R/o Club Chowk Basantpur Ward No. 42, Police Station Basantpur , Rajnandgaon , District Rajnandgaon Chhattisgarh.
2. Rekha Yadav D/o Late Shyamsundar Yadav Aged About 55 Years R/o Club Chowk Basantpur Ward No. 42, Police Station Basantpur , Rajnandgaon , District Rajnandgaon Chhattisgarh.

**---- Petitioners**

**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Urban Administration, Mantralaya , Mahanadi Bhawan Raipur Chhattisgarh.
2. The Collector District Rajnandgaon Chhattisgarh.
3. The Commissioner Municipal Corporation , Rajnandgaon Chhattisgarh.
4. The Tahsildar Tahsil Rajnandgaon, District Rajnandgaon Chhattisgarh.

**---- Respondents**

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For Petitioner : Shri Anchal Kumar Matre, Advocate

For Respondent/ State : Shri Ashish Tiwari, G.A.

For Respondent No. 3 : Shri Sandeep Dubey, Advocate

**Hon'ble Shri Justice Goutam Bhaduri**

**Order on Board**

**05.07.2021**

Heard

1. Learned counsel for the petitioner would submit that the petitioner has purchased a land bearing Khasra No. 17/8 admeasuring 0.02 decimal in the year 1958. Thereafter, he has constructed the house over it. It is stated that all of a sudden the petitioner is served with a notice dated 20.10.2020

(Annexure P-4) whereby he has been asked to vacate the property as otherwise it would be demolished. It is submitted that the petitioner is lawful owner of the property and after purchase he has constructed the house, therefore, he can be evicted only after following due process of law.

2. Learned counsel for Municipal Corporation submits that the demarcation process is going on and after demarcation only it can be ascertained that the petitioner is entitled to how much part of the land and over how much he has encroached upon. Therefore, in case it is found that he has encroached over the property over and above the sale deed that part could be covered under demolition for widening of the road.
3. I have heard learned counsel for the parties and perused the documents.
4. Considering the submission of the parties, the sale deed Annexure P-1 would show that the petitioner had purchased 0.02 decimal of land on 29.04.1958 bearing Khasra No. 17/8 it may have changed with the passing of time. Since, the submission is made that the demarcation is already under process for widening of the road, therefore, any process of ejectment can be carried out only after the demarcation of the land of the petitioner is completed and if it is found that the petitioner is within his limit of purchase of the property then he shall not be ejected from 0.02 decimal of the property without following due process of law.
5. With the aforesaid observation, the petition stands disposed of.

**Sd/-**  
**(Goutam Bhaduri)**  
**Judge**

Jyoti