

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****WPC No. 2585 of 2021**

- Manjari Prakash W/o Late Hemant Prakash, Aged About 65 Years R/o Behind Traffic Police Out Post, Ghadi Chowk, Ambikapur, Police Station And Tahsil Ambikapur, District Surguja Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through - The Secretary, Department Of (Home), Police, Mantralaya, Mahanadi Bhawan Naya Raipur, Post Office Rakhi, District Raipur Chhattisgarh.
2. Director General Of Police, Police Headquarter, Raipur, District Raipur Chhattisgarh.
3. Superintendent Of Police, Ambikapur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
4. Collector, Surguja, Ambikapur, District Surguja Chhattisgarh.
5. Sub - Divisional Officer (Revenue) - Cum- Authorized Officer, Lok Parisar (Bedakhli), Adhiniyam, Ambikapur, District Surguja Chhattisgarh.

---- Respondents

For the Petitioner : Shri V.K. Pandey, Advocate

For the State : Shri Aman Kesharwani, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****30.06.2021**

Heard.

1. Learned counsel for the petitioner would submit that the husband of the petitioner while was in service was allotted government accommodation and subsequently he died on 26.11.2019. It is stated that after death of the husband, the retiral dues were not settled and the petitioner continued to reside in such premises along with family members. He further submits that the daughter-in-law of the petitioner

is also pregnant and further considering the Covid-19 pandemic situation, he prays that the petitioner may be given some breather time to vacate the premises and the authority who has issued the notice dated 05.06.2021 (Annexure P-2) may consider the application of the petitioner under Section 5 of the C.G. Lok Parisar (Bedakhli) Adhiniyam, 1974 (for short 'Adhiniyam 1974').

2. Perusal of the notice Annexure P-2 would show that the show cause notice has been issued under Section 4 (1) of the Adhiniyam 1974, therefore the final order under Section 5 of the Adhiniyam, 1974 is yet to be passed and it is for the authorities who have issued the notice to take the final decision. Considering the submission of the petitioner since no orders have been passed and the issue is at adjudication stage, this Court in exercise of its power under Article 226 of the Constitution of India cannot usurp the jurisdiction and direct to pass orders in a particular way though the submission of the petitioner may be genuine which may be considered by the authorities while deciding the application under Section 5 of the Adhiniyam, 1974.
3. With the above observations/direction, this writ petition stands disposed of.

**Sd/-
GOUTAM BHADURI
JUDGE**