

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2631 of 2021

1. Mahaveer Shardul, Aged About 47 Years, S/o Shobha Ram Shardul, R/o Sheetla Para, Kanker Ward No. 08, Kanker, District- Uttar Baster Kanker, Chhattisgarh.
2. Vinod Sevani, Aged About 40 Years S/o Sevak Ram R/o Shubhash Ward, Kanker, District- Uttar Baster Kanker, Chhattisgarh.

---- Petitioners

Versus

1. State Of Chhattisgarh, Through The Secretary, The Dept. Of Revenur And Disaster Management, Mahanadi Bhawan, Naya Raipur, Atal Nagar, District- Raipur, Chhattisgarh.
2. The Municipal Council, Through The Chief Municipal Officer, Kanker, District- Uttar Baster Kanker, Chhattisgarh.
3. The Collector, District- Uttar Baster, Kanker, Chhattisgarh.
4. The Tahsildar, District- Uttar Baster, Kanker, Chhattisgarh.
5. The Naib Tahsildar(Nazul Adhikari) Kanker, District- Uttar Baster, Kanker, Chhattisgarh.

---- Respondents

For petitioners – Shri Sachin Nidhi, Advocate.

For State – Shri Alok Bakshi, Addl. A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order

29/06/2021

Heard.

1. Learned counsel for the petitioners submits that the petitioner No.1 Mahaveer Shardul is in occupation of land at 6 square meter which is part of khasra no.13A, plot no.99/1 at Manjhapara and in respect of petitioner No.2 Vinod Sevani he is also in some occupation of certain land.
2. Learned counsel for the petitioners would submit that both the petitioners have moved an application before the State Government to settle the property in their favour, however the same is pending and at the same time marking has been made by the respondent No.2/Municipal Council and orally asked the petitioners to remove their shop.

3. During the course of submission, the petitioner was asked as to where is the documents and what is the stage of application which has been moved for settlement of the land in their favour, the petitioners counsel submits that the petitioners are not aware. Further query was made that what are the documents of the petitioner No.2 that he is in occupation of certain land what is the number of the land any particular thereof, learned counsel submits that there is no documents have been supplied, however the petitioner No.2 is also in occupation of certain land. In order to establish the possession the petitioner relies on Annexure P-2 which is a notice issued to the petitioner No.1 Mahaveer Shardul from the Tahsildar in the year 2019. The notice purports that the notice for ejectment was issued that he has occupied 6 square meter of land of plot No.99/1 of khasra No.13A. The petitioner was asked as to what is the outcome of such notice as it was of the year 2019 it is again been stated that the petitioner is not aware as to what happened to that, however no documents have been filed to show that the petitioners are paying electricity charges or any municipal tax receipt. Simply by making a submission that they are in occupation of certain land it is very difficult to appreciate only on the basis of the application filed to the Collector, Kanker. In absence of proper pleading and the documents, no facts can be appreciated and no relief can be granted. The petitioners may avail the appropriate remedy available to them under the law.

4. With such observation, the petition stands disposed of.

Sd/-

(Goutam Bhaduri)

JUDGE