

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 3088 of 2021**

- Mohammed Yunus Memon, S/o Abdul Ajij, Aged About 53 Years R/o Near Rida Provision Store, Chaurasiya Colony, Raipur Chhattisgarh

---- Petitioner**Versus**

1. Municipal Corporation, Raipur Through Its Commissioner, Municipal Corporation, Raipur Chhattisgarh
2. The Commissioner Municipal Corporation, Raipur, Raipur, District Raipur Chhattisgarh
3. Zone Commissioner, Zone No.4, Municipal Corporation, Raipur Chhattisgarh

---- Respondents

For Petitioner : Shri Raza Ali, Advocate

For Respondents : Shri Sandeep Dubey, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order****30/07/2021**

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 / 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 petitioner 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 within a period of 7 days from today alongwith all the relevant documents before the Municipal Corporation, Raipur. 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

Ashu