YOGESH TIWARI Digitally signed by YOGESH TIWARI Date: 2026.10.13 17:38:49 +0530

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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 5222 of 2026

Mohammad Aslam Rathore S/o Abdul Sattar Rathore Aged About 60 Years R/o Farista Complex 2nd Floor, Station Road, Durg Tahsil And District Durg (C.G.) 491001 Proprietor Shop No. 37 Ravishankar Stadium, Durg (C.G.)

... Petitioner

versus

1 - State Of Chhattisgarh Through- Secretary Department Of Revenue And Disastrous Management Mahanadi Bhawan, Mantralaya, Atal Nagar Nava Raipur (Chhattisgarh)

2 - State Of Chhattisgarh Through Secretary, Department Of Public Work Department, Mahanadi Bhawan, Mantralaya, Atal Nagar Nava Raipur (Chhattisgarh)

3 - Jila Kridangan Nirman Samiti Reg. No. 3645 Ravishankar Stadium, Durg Tahsil And District Durg (C.G.)

4 - District Collector Cum Chairman Jila Kridangan Nirman Samiti, Pt. Ravishankar Stadium, Durg, Tahsil And District Durg (C.G.)

5 - Sub-Divisional Officer (Revenue) Cum Secretary Jila Kridangan Nirman Samiti Durg, Tahsil And District Durg (C.G.)

... Respondents

(Cause-title taken from Case Information System)

For Petitioner	:	Mr. Uttam Chand, Advocate
For State	:	Dr. Arham Siddiqui, Panel Lawyer

Hon'ble Shri Amitendra Kishore Prasad, Judge

Order on Board

13.10.2026

1. By filing the present petition, the petitioner assails the eviction notice dated 25.06.2026 (Annexure P/1) issued by respondent No. 5, whereby he has been directed to vacate Shop No. 37 situated within Pt. Ravishankar Stadium, Durg, which has been in his possession for the last 20 years. The petitioner contends that the eviction notice has been issued on the pretext of the dilapidated condition of the stadium premises, whereas the actual intention of the respondents is to lease the premises to the Chhattisgarh State Cricket Board for a period of 33 years. The petitioner further seeks a direction to the respondents to rehabilitate him at an appropriate place, contending that the impugned action, without making any provision for rehabilitation, adversely affects his livelihood. The petitioner has prayed for following relief(s) :-

> "*10.1 That the Hon'ble Court may kindly be pleased to issue appropriate Writ(s)/Order(s)/ Direction(s) to quash the impugned notice dated 25.06.2026 (Annexure-P/1) issued by the respondent no 5 in the interest of justice.*
>
> *10.2 That the Hon'ble Court may kindly be*

pleased to issue appropriate Writ(s)/Order(s)/ Direction(s) directing the respondent authorities to the rehabilitated the petitioners at appropriate place according to the physibility of the profession to the petitioners.

10.2 Any other relief, which this Hon'ble Court may deem fit and proper according to the facts and circumstances of the case along with the cost of the petition."

2. The petitioner is aggrieved by the impugned pre-eviction notice dated 25.06.2026 issued by respondent No. 5, whereby they have been directed to vacate their respective shops. The impugned notice has been issued on the ground that, as per the report submitted by the Public Works Department dated 01.06.2024, the stadium premises and the shops constructed therein are in a dilapidated condition and are required to be dismantled in view of the apprehension of an accident. The petitioner has been in possession of the said shop for the last 20 years and has been regularly paying rent to the respondent authorities.

3. Assailing the impugned notice, learned counsel for the petitioner submits that the respondent authorities have issued the notice under the pretext of the dilapidated condition of the building, whereas their actual intention is to lease the stadium premises to the Chhattisgarh State Cricket Board for a period of 33 years. It is contended that the petitioner has been carrying on his business from the allotted shop for several years and depends upon the

same for his livelihood. However, the respondent authorities have neither considered his representations seeking rehabilitation nor made any alternative arrangement for him before directing him to vacate the premises. Learned counsel, therefore, submits that the impugned action is arbitrary and unjustified and adversely affects the petitioner's right to carry on his business and livelihood, as guaranteed under Articles 19(1)(g) and 21 of the Constitution of India. Accordingly, the petitioner seeks quashment of the impugned notice and a direction to the respondent authorities to rehabilitate him at an appropriate alternative place.

4. Learned counsel appearing for the parties jointly submit that the controversy involved in the present writ petition is no longer res integra, as the identical issue arising out of the very same pre-eviction notice dated 25.06.2026 has already been considered and decided by this Court in **WPC No.3730/2026** and other connected matters, decided by a common order dated **23.07.2026**. It is submitted that the present writ petition is squarely covered by the said decision and, therefore, deserve to be disposed of in terms thereof.

5. This Court, while disposing of WPC No.3730/2026 and analogous cases vide common order dated 23.07.2026, observed as follows:–

> *“10. Having heard learned counsel for the parties and upon perusal of the record, it emerges that the petitioners are occupying their respective shops*

pursuant to allotment orders/agreements executed by the competent authority on payment of monthly rent. It is not in dispute that the petitioners have been carrying on their respective businesses from the said shops for nearly two decades or more, and for many of them the shops constitute their principal source of livelihood. It is also borne out from the material placed on record that the commercial complex in which the shops are situated has been reported by the Public Works Department to be in a dilapidated and unsafe condition requiring demolition and reconstruction.

11. There can be no quarrel with the proposition that the petitioners do not possess any vested or indefeasible right to continue in occupation of the shops indefinitely. Equally, however, the State and its instrumentalities, while taking action for eviction in public interest, are expected to act in a manner that is fair, reasonable and consistent with constitutional values. The petitioners have been carrying on their business from the premises for a considerable period of time and their livelihood is directly dependent upon the said establishments. Directing them to vacate the premises during the rainy season, without affording them a reasonable opportunity to make alternative arrangements or to resettle their business, would result in undue hardship.

12. The State, being a welfare State, is expected to balance public interest with the legitimate concerns of citizens whose livelihood is likely to be affected by administrative action. While ensuring public safety

by removing occupants from an unsafe structure is undoubtedly a legitimate objective, the authorities cannot ignore the consequences that such action may have upon the livelihood of the petitioners. The record reveals that the petitioners have submitted representations requesting reasonable time and appropriate rehabilitation or alternative arrangements. The said representations deserve due consideration before any coercive action is undertaken.

13. Article 19(1)(g) of the Constitution of India guarantees to every citizen the fundamental right to practise any profession or to carry on any occupation, trade or business, subject to reasonable restrictions imposed in the interest of the general public under Article 19(6). The right to livelihood has also been recognized as an integral facet of the right to life guaranteed under Article 21 of the Constitution. Although the petitioners cannot insist upon continuation of their occupation contrary to law, the procedure adopted for their eviction must be fair, reasonable and non-arbitrary so as to adequately safeguard their constitutional rights.

14. Considering the totality of the circumstances, particularly the long-standing occupation of the petitioners, the fact that their businesses constitute their primary source of livelihood, and the prevailing rainy season, this Court is of the considered opinion that the ends of justice would be adequately served by directing the respondents to reconsider the representation of the petitioners with a hope of alternative arrangements by the petitioners for

shifting their respective establishments.

15. Accordingly, Respondent No. 3-Secretary and Sub-Divisional Officer (Revenue), Jila Krindangan Samiti Durg, District Durg C.G. is directed to reconsider the representations submitted by the petitioners for providing alternative arrangements to petitioners for running their shops or to pass appropriate reasoned orders thereon, after affording them an opportunity of hearing, within a reasonable period. The respondents shall also consider providing reasonable assistance, or any other lawful arrangement to facilitate the petitioners in shifting their business establishments. It is further directed that no coercive action for eviction shall be taken against the petitioners for a period of ***four months*** *from the date of this order. However, it is made clear that, since the shops have been found to be in a dilapidated condition, the petitioners may continue to carry on their business therein for a period of four months at their own risk and cost. In the event of any mishap or untoward incident occurring during this period, the petitioners alone shall be solely responsible for the consequences thereof. The State and its authorities shall bear no liability or responsibility for any such mishap or incident. Upon expiry of the said period, it shall be open to the respondents to proceed in accordance with law.*

16. With the aforesaid observations and directions, all the writ petitions stand disposed of.

17. It is made clear that this Court has not expressed any opinion on the merits of the rival claims of the parties. The present order has been

passed only with a view to balance the competing public interest of ensuring public safety with the petitioners' need for reasonable time to make alternative arrangements for their livelihood."

6. Having considered the rival submissions advanced by learned counsel appearing for the respective parties and upon perusal of the record, this Court finds that the controversy involved in the present writ petition is identical in all material particulars to the one which came up for consideration before this Court in WPC No.3730/2026 and analogous cases, decided by common order dated 23.07.2026. The impugned notice challenged herein is the same pre-eviction notice dated 25.06.2026 issued by the same authority, founded on the very same report of the Public Works Department declaring the commercial complex to be in a dilapidated and unsafe condition. Since the issues involved, the reliefs claimed and the legal questions arising for consideration are identical, and no distinguishing feature has been pointed out by the learned counsel for the parties, this Court sees no reason to take a view different from the one already taken in WPC No.3730/2026 and analogous cases.

7. Consequently, for the reasons recorded in the common order dated **23.07.2026** passed in **WPC No.3730/2026 and analogous cases**, the present writ petition also stands disposed of in the same terms and with the same directions as contained therein.

8. It is clarified that all the observations and directions issued in the

aforesaid common order shall apply *mutatis mutandis* to the facts of the present writ petition.

9. There shall be no order as to costs.

Sd/-
(Amitendra Kishore Prasad)
Judge

Yogesh