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HIGH COURT OF CHHATTISGARH
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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 5538 of 2026

Neha Chauhan W/o Prakash Chauhan Aged About 35 Years R/o Ward No. 15, Near Jain Mandir, Darogapara, Raigarh, District Raigarh Chhattisgarh.

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Urban Administration And Development, Mantralaya, Mahanadi Bhawan, Nava Raipur, Atal Nagar, Chhattisgarh.

2 - The Collector Raigarh Collector Raigarh, Collectorate, Raigarh, District Raigarh, Chhattisgarh

3 - The Municipal Corporation Raigarh, Through Commissioner Raigarh District Raigarh, Chhattisgarh.

.. Respondent(s)

For Petitioner	:	Mr. N. K. Malaviya, Advocate
For State	:	Mr. Abyuday Tripathi, PL
For Municipal Corporation	:	Mr. H. B. Agrawal, Senior Advocate along with Mr. Pankaj Agrawal, Advocate

Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

03.11.2026

1. Learned counsel appearing on behalf of the petitioner submits that the petitioner is seeking protection of her livelihood and appropriate directions to the respondent authorities in respect of her shop situated at Sanjay Complex, Raigarh, Chhattisgarh, where she has been carrying on the business of garments and readymade clothes for the last 15–20 years. It is submitted that the said shop is the principal source of livelihood for the petitioner and her family. However, the Municipal Corporation, Raigarh, has allegedly threatened to demolish the said shop, thereby putting the petitioner's livelihood at stake. It is further submitted that the petitioner has obtained Udyam Registration in the name of "Neha Readymade", bearing Udyam Registration No. UDYAM-CG-13-0036812, wherein Shop No. 02, Sanjay Complex, Raigarh, has been recorded as the official address of her enterprise. Learned counsel further submits that the proposed demolition of the shop would adversely affect the petitioner's business and cause serious financial hardship to her and her family. It is also submitted that in this regard, the petitioner has submitted a representation dated 21.04.2026 before the Commissioner, Municipal Corporation, Raigarh, requesting that, in the event of demolition of the existing shop, the same be reconstructed and allotted to her at the very same place so that she may continue her business and sustain her family. He would submit that similarly like nature of petitioner filed a

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petition bearing WPC No. 1490 of 2021 an order has been passed by this Court on 1.03.2021. He submits that this case is squarely covered by the same order and the petitioner would be the beneficiary under the said order.

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2. The order dated 16.03.2021 passed in ***W.P.(C) No. 1490 of 2021*** is reproduced hereinbelow for ready reference:-

> " 2. Order passed in WPC No.678/2013 on 27/01/2021 is reproduced herein below:-
>
> 1. The present writ petition has been filed seeking for following reliefs :-
>
> "(i) The, the respondent authorities are bound to follow the provisions of Act 2014 related to relocation and eviction of Vendors and the local authority on the recommendation of Town Vending Committee be declared a zone or part of it to be a no vending zone for any public purpose and relocate the venders vending in the area. In such manner as prescribed in the scheme and no street vender shall be relocated or eviction from the local authority from the place without giving 30 days notice. The act of respondent authorities evict from place to place is arbitrary and provision of Act 2014.

(ii) That the respondent may be directed to allot the shops to the petitioners and other existing vendors of Sanjay Complex, Raigarh, after its Pakka construction on a reasonable subsidized rate.

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(iii) Any appropriate writ, direction or order may also kindly be passed in favour of the petitioner, which this Hon'ble Court deems fit in the circumstances of the case.

(iv) That, the respondent authorities be directed to follow the provision relating to regulation of venders by forming Town Vending Committee, thereafter registration of venders identification of zone and finally allotment of the place to the venders etc. and till the exercise is completed, the petitioners may be allowed to do the working in the area, where they are already doing the same."

2. In a nutshell the petitioners are seeking for a direction of allocation of shops in the Sanjay Complex which the Municipal Corporation, Raigarh intends to build. Upon their being evicted from the said site where the said complex is proposed to be constructed. The petitioners have interim order in their favour in operation since 2013 itself along with other bunch of writ petitions. Pending the writ petition, the respondent Municipal Corporation

through an affidavit by the Municipal Commissioner, Raigarh on 09.12.2020 has given assurance that petitioners who would be evicted from the site where the Sanjay Complex is proposed would be given a shop after it is constructed and ready to allot subject to the petitioners accepting the payment of rent and other payable dues for the said shop. The allotment of the shop would be by way of lottery till the shops are constructed, the persons who would be evicted would be given alternative land to pursue with their business.

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3. For ready reference the conditions put forth by the Commissioner, Municipal Corporation Raigarh is reproduced hereinunder :-

1. यह कि माननीय उच्च न्यायालय छ,ग, बिलासपुर द्वारा उक्त रिट याचिकाओं में दिनांक 3.12.2020 को संजय मार्केट काम्पलेक्स में बाजार के निर्माण एवं पसरा तथा दुकान के निर्माण से संबधित प्रस्ताव तथा उसका आबंटन वर्तमान सब्जी विक्रेताओं जो वर्तमान में सब्जी पसरों मे है , उन्हे किस प्रकार से पसरा /दुकान का आबंटन किस प्रकार से किया जावेगा इसकी रूपरेखा तैयार कर एक ठोस प्रस्ताव शपथ पत्र के माध्यम से देने का आदेश दिया गया है जिसके पालन यह शपथ पत्र दिया जा रहा हैं।

2. यह कि संजय मार्केट काम्पलेक्स में स्थापित सब्जी विक्रेता एवं अन्य व्यवसायी जो स्थान निगम को कब्जा सौपते है उन्हे उपलब्ध क्षेत्रानुसार सुव्यवस्थित तरीके से पसरा/दुकान निर्माण कर व्यवस्थापित किया जायेगा।

3. यह कि व्यवस्थापन किये जा रहे सब्जी विक्रेता/व्यवसायी से उसे आबंटित दुकान या पसरा के निर्माण का लागत एवं शासन के गाइड लाइन के अनुसार उनसे मासिक किराया नगर निगम रायगढ द्वारा लिया जावेगा।

4. यह कि जो व्यक्ति उक्त संजय मार्केट काम्पलेक्स में वर्तमान मे जिस जमीन पर काबिज है उसका कब्जा नगर पालिक निगम रायगढ को देने पर उन्हे संजय काम्पलेक्स सब्जी मंडी में प्रस्ताव एवं प्लान के अनुसार निर्माण होने तक वैकल्पिक प्रदाय स्थल पर अपना व्यवसाय करना होगा और जैसे ही संजय मार्केट काम्पलेक्स सब्जी मण्डी का निर्माण होता है उन्हे तद्नुसार आबंटन होते ही निगम द्वारा प्रदाय वैकल्पिक स्थान को उन्हे छोड़ना होगा।

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5. यह कि संजय मार्केट काम्पलेक्स सब्जी मंडी को दो साल के अन्दर यथासंभव निर्माण कराकर उन्हे इस परिसर में नियमानुसार लागत मूल्य एवं किराया प्राप्त कर व्यवस्थापित/ आबंटित किया जावेगा।

6. यह कि किसी भी स्थिति में एक व्यवसायी को एक से अधिक पसरा/दुकान का आबंटन नही किया जावेगा।

7. यह कि स्थल का आबंटन उपलब्धता के अनुसार छोटा या बड़ा किया जा सकता और इसके संबध में याचिकाकर्ता माननीय न्यायालय में अवमानना याचिका के रूप प्रस्तुत नहीं किया जावेगा क्योंकि नवनिर्मिण दुकान या पसरा छोटा या बड़ा हो सकता है।

8. यह कि नवनिर्मित दुकान या पसरा के स्थल का आबंटन का अधिकार नगर पालिक निगम रायगढ़ के पास सुरक्षित होगा ।

9. यह कि दुकान /पसरा का आबंटन लाटरी सिस्टम से होगा जिसे आबंटी मानने हेतु बाध्य होगा और उसे स्थल चयन का कोई अधिकार नहीं हेागा तथा उसमें किसी प्रकार का आपत्ति करने का कोई अधिकार उसे नहीं होगा और ऐसे आबंटन के विवाद की स्थिति मे नगर पालिक निगम रायगढ़ का निर्णय अंतिम एवं मान्य होगा तथा दोनों पक्षों पर बंधनकारी होगां ।

10 यह कि सब्जी या फल विक्रेता जो वर्तमान में कब्जाधारी है और कब्जानिगम को सौपते है उन्हे पसरा निर्माण कर लागत मूल्य एवं मासिक मानक किराया जो शासन द्वारा निर्धारित गाइड लाइन के अनुरूप होगा वही किराया निर्धारित किया जावेगा जिसका भूगतान करने का उत्तरदायित्व आबंटिती को होगा और इस संबध मे अलग से आबंटन/किरायानामा से संबधित दस्तावेज उसे निश्पादित करलेना होगा ।

11. यह कि इसी प्रकार सब्जी विक्रेताओ के अतिरिक्त जो वर्तमान कब्जाधारी है और अपना कब्जा निगम को सौपते है जैसे कपड़ा दुकान/जूता दुकान /भोजनालय इत्यादि दुकाने है उनसे उसका लागत मूल्य मासिक मानक किराया जो शासन द्वारा निर्धारित गाइड लाइन के अनुरूप होगा वही किराया निर्धारित किया जावेगा जिसका भुगतान करने

का उत्तरदायित्व आबंटिती को होगा और इस संबंध में अलग से आबंटन/किरायानामा से संबंधित दस्तावेज उसे निष्पादित करना होगा।

12. यह कि आबंटित दुकान/पसरा जैसी भी स्थिति हो, पर आबंटिती ही व्यक्तिगत रूप से अपना व्यवसाय करेगा और वह किसी भी अन्य व्यक्ति, चाहे वह परिवार का सदस्य क्यों न हो, उसे उका कब्जा किराया लेकर या बिना किराये के उप–किरायेदार के रूप में या अन्यथा नहीं सौंपेगा। यदि उसके द्वारा इस शर्त का उल्लंघन किया जाता है तो नगर पालिक निगम रायगढ़ को तत्काल कब्जा वापस लेने का अधिकार होग।

13. यह कि संजय काम्पलेक्स सब्जी मंडी को व्यवस्थित ढंग से निर्माण करने का प्रस्तावित नक्शा जो तैयार किया गया है उसे इस शपथपत्र के साथ संलग्न किया जा रहा है जो शपथ पत्र के अंग के रूप में माना जावेगा। ”

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4.Given the said undertaking by the learned Commissioner of the Municipal Corporation, Raigarh, this Court is of the opinion that prima facie grievance of the petitioners or the relief sought for by the petitioners seems to be redressed. In view of the same the writ petition at this juncture stands disposed of directing the petitioner to vacate the said property in their possession within seven days from the notice which the Corporation would issue to the petitioners after the Corporation decides to start the construction. Any construction which the Municipal Corporation intends to raise at the said site would be subject to the necessary sanction, approval and authority of the concerned under various laws governing the field.

5. It is also submitted by the learned counsel for the petitioner that proposed site temporarily been given to

the petitioners as of now on vacating the present premises his quite far from the town and there business would get adversely hampered due to this. The counsel for the petitioner submits that there are sufficient spaces available within the nearby vicinity from where the petitioners can operate their business temporarily. On this issue this Court is of the opinion let petitioners propose suitable alternative site to the Commissioner, Municipal Corporation Raigarh who in turn shall explore the possibility of locating the petitioners at the said place or at any other suitable site and appropriate decision be taken in this regard. The Corporation also is expected to ensure that the construction of the shopping complex is done at the earliest so as to ensure that petitioners would be able to get relocated at the same place and resume their business at the earliest.

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6. With the aforesaid observations, the writ petition stands disposed.

3. Learned Senior counsel for the Municipal Corporation would submit that the case of the petitioner is governmend by the order which is rendered supra.

4. In view of such factt, it is directed that the petitioner shall also be governed by terms set forth in the order dated 16.03.2021

passed in WPC No. 1490 of 2021 and shall comply with the requisition.

5. With the aforesaid observations, this writ petition stands **disposed of.**

SD/-

(Amitendra Kishore Prasad)

Judge

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