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**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPC No. 2582 of 2020**

Rakesh Kumar Yadav S/o Baratu Ram Yadav Aged About 43 Years  
Resident Of Virendra Nagar, Saraipali , Police Station Saraipali , District  
Mahasamund Chhattisgarh.

**---- Petitioner****Versus**

1. State Of Chhattisgarh Through The Secretary , Urban Administration And Development Department , Mahanadi Bhawan, Mantralaya , New Raipur Chhattisgarh.
2. The Collector District Mahasamund Chhattisgarh.
3. The Chief Municipal Officer Nagar Palika Parishad, District Mahasamund Chhattisgarh.
4. The Sub Divisional Officer (Revenue) Saraipali, District Mahasamund Chhattisgarh.
5. The Tahsildar Saraipali, District Mahasamund Chhattisgarh.

**---- Respondents****AND****WPC No. 2583 of 2020**

Ramesh Kumar Yadav S/o Kulmani Yadav Aged About 58 Years R/o  
Virendra Nagar Ward No. 02, Saraipali, Police Station Saraipali, District  
Mahasamund, Chhattisgarh.

**---- Petitioner****Versus**

1. State Of Chhattisgarh Through The Secretary, Urban Administration And Development Department, Mahanadi Bhawan, Mantralaya, New Raipur, Chhattisgarh.
2. The Collector District Mahasamund, Chhattisgarh.
3. The Chief Municipal Officer Nagar Palika Parishad Saraipali, District, Chhattisgarh.
4. The Sub-Divisional Officer (Revenue) Saraipali, District Mahasamund, Chhattisgarh
5. The Tahsildar Saraipali, District Mahasamund, Chhattisgarh.

**---- Respondents****AND**

**WPC No. 2584 of 2020**

Uttam Behara S/o Ravishankar Behara Aged About 30 Years R/o Virendra Nagar, Akashwani Basti Saraipali, Police Station Saraipali, District Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh

---- **Petitioner**

**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Urban Administration And Development, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur District Raipur Chhattisgarh
2. The Collector District Mahasamund Chhattisgarh
3. The Chief Municipal Officer Nagar Palika Parishad, Saraipali, District Mahasamund Chhattisgarh
4. The Sub Divisional Officer (Revenue) Saraipali, District Mahasamund Chhattisgarh
5. The Tahsildar Saraipali, District Mahasamund Chhattisgarh

---- **Respondents**

**AND****WPC No. 2585 of 2020**

Vijay Kumar Yadav Son Of Kulmani Yadav Aged About 43 Years Resident Of Virendra Nagar, Akashwani Basti, Saraipali, Police Station - Saraipali, District- Mahasamund (Chhattisgarh)

---- **Petitioner**

**Versus**

1. State Of Chhattisgarh Through The Secretary, Urban Administration And Development Department. Mahanadi Bhawan, Mantralaya, New Raipur (Chhattisgarh)
2. The Collector District- Mahasamund (Chhattisgarh)
3. The Chief Municipal Officer Nagar Palika Parishad, Saraipali, District - Mahasamund (Chhattisgarh)
4. The Sub-Divisional Officer (Revenue) Saraipali, District- Mahasamund (Chhattisgarh)
5. The Tahsildar Saraipali, District- Mahasamund (Chhattisgarh)

---- **Respondents**

**AND****WPC No. 2590 of 2020**

Bhisham Sao S/o Hetram Sao, Aged About 46 Years R/o Ward No. 1, Virendra Nagar, Akashwani Basti, Saraipali, Police Station - Saraipali, District - Mahasamund Chhattisgarh

---- **Petitioner**

**Versus**

1. State Of Chhattisgarh, Through The Secretary, Urban Administration And Development Department, Mahanadi Bhawan, Mantralaya, New Raipur Chhattisgarh.
2. The Collector, District - Mahasamund Chhattisgarh
3. The Chief Municipal Officer, Nagar Palika Parishad, Saraipali, District - Mahasamund Chhattisgarh
4. The Sub - Divisional Officer (Revenue), Saraipali, District - Mahasamund Chhattisgarh
5. The Tahsildar, Saraipali, District - Mahasamund Chhattisgarh

**---- Respondents****AND****WPC No. 2593 of 2020**

Kulmani Barik S/o Yudhishthir Barik, Aged About 59 Years R/o Jognipali, Mahasamund, District Mahasamund Chhattisgarh

**---- Petitioner****Versus**

1. State Of Chhattisgarh Through The Secretary, Urban Administration And Development Department, Mahanadi Bhawan, Mantralaya, New Raipur Chhattisgarh
2. The Collector, District Mahasamund Chhattisgarh
3. The Chief Municipal Officer, Nagar Palika Parishad, Saraipali, District Mahasamund Chhattisgarh
4. The Sub Divisional Officer (Revenue), Saraipali, District Mahasamund Chhattisgarh
5. The Tahsildar, Saraipali, District Mahasamund Chhattisgarh.

**---- Respondents**


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For Petitioners	:	Mr. Raghvendra Pradhan, Advocate
For State	:	Mr. Mateen Siddiqui, Deputy A.G. Mr. Sudeep Verma, Deputy G.A. Mr. Siddharth Dubey, Dy. G.A. Mr. Anand Verma, Deputy G.A. Mr. Raghvendra Verma, G.A.

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**Hon'ble Shri Justice P. Sam Koshy**  
**Order on Board**

**29/10/2020**

1. The challenge in the present writ petition is to the notice issued by the respondent No.3 dated 09.10.2020, whereby the petitioners have been directed to remove the small shop/gumthi, which is being used by the petitioners for their livelihood within a period of 7 days failing which the authorities would be compelled to take forceful action for removing the alleged encroachment.
2. According to the petitioners, they are all persons who are people below poverty line and are earning their livelihood from the small shops that they have built up besides the road. It was the further contention of the petitioners that the petitioners have been operating from the said shop for a pretty long time and if at this juncture if the petitioners are removed from the said location, they would be put to great hardship and the very existence of the petitioners and their dependents would be at stake. According to the petitioners, they have already approached the respondent No.3 by way of a detailed representation on 13.10.2020 and they have approached this Court for an interim protection so that till the authorities take a decision on the application which they have made, they may be protected from being forcefully evicted.
3. The counsel for the petitioners further submits that if at all if the respondent No.3 intends to remove the petitioners from the present location, appropriate steps should have been taken ensuring rehabilitation of the petitioners, so that their livelihood should not get adversely affected. The counsel for the petitioners also submits that

the State Government also has various schemes under which the petitioners can be granted an alternative location ensuring rehabilitation. The learned counsel appearing for the State at this juncture submits that no indefeasible rights as such has been established by the petitioners and from the pleadings of the petitioners itself, it clearly reflects that they have encroached upon the government land and have been using the same illegally and for which the respondent authorities have issued the notice.

4. Having heard the contentions put forth on the part of the petitioners and also upon hearing the counsel for the respondents, the admitted factual matrix as it stands, there is no dispute so far as the petitioners not having any right created in their favour so far as the land over which they have constructed the shops and operating the same. Yet however the petitioners undisputedly have been operating the said shops for a considerable long period of time. If we read Annexure P/1 there does not appear to be any specific reason assigned by the authorities i.e. the respondent No.3 requiring the petitioners to be removed from the said location. It is also not the case of the respondents that the said location as of now is required for any public purpose also.
5. Under the circumstances, this Court is of the opinion that the writ petitions at this juncture can be disposed of directing the petitioners to approach the respondents No.2 & 3 by way of a fresh representation in addition to what they have already made and the respondents No.2 & 3 in turn shall consider the case of the petitioners sympathetically considering the fact that they are all

persons below poverty line and also do not have any other source of income except for the shops that they are operating and try to redress their grievances by granting some alternative location wherein they can rehabilitate themselves under any of the schemes that are in force in the State of Chhattisgarh.

6. Let the petitioners approach the respondents No. 2 & 3 within a period of 10 days from today. Meanwhile, purely as an interim measure till the respondents No.2 & 3 take a decision on the representation so made, no coercive steps be taken against the petitioners pursuant to Annexure P/1.
7. With the aforesaid observations, the present writ petitions stand disposed of.

Sd/-  
(P. Sam Koshy)  
**Judge**

Ved