



2026:CGHC:12892



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NAFR

## HIGH COURT OF CHHATTISGARH AT BILASPUR

### WPC No. 1037 of 2026

Rajesh Nishad S/o Rajendra Nishad Aged About 38 Years Presently Running A Shop At Sanjay Complex Raigarh R/o Village Kaidi Muda, Ward No. 30 Raigarh Tahsil Raigarh District Raigarh (C.G.)

... Petitioner.

### **Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Urban Administration R.N. S4-10, Maha Nadi Bhawan Mantralaya Atal Nagar-Chhattisgarh 492002
2. The Collector Raigarh Collectorate Raigarh District Raigarh (C.G.)
3. The Municipal Corporation Raigarh Through The Commissioner Thana City Kotwali Tahsil And District Raigarh (C.G.)

... Respondents.

(cause title downloaded from CIS Periphery)

|                  |   |                                                            |
|------------------|---|------------------------------------------------------------|
| For Petitioner   | : | Mr. N. K. Malaviya, Advocate.                              |
| For Res No.1 & 2 | : | Mr. Vinay Pandey, Dy. AG.                                  |
| For Res No.3     | : | Mr. H. B. Agrawal, Senior Adv with Ms. Swati Agrawal, Adv. |

**(Hon'ble Shri Justice Naresh Kumar Chandravanshi)**

### Order on Board

18/03/2026

1. This Writ Petition under Article 226 of the Constitution of India has been filed for the followings reliefs:-

"10.1 That, this Hon'ble Court may kindly be pleased to quash the impugned orders i.e. Annexure P/1.



**10.2** That, this Hon'ble Court may kindly be pleased to suitably direct the respondents to address/resolved the grievances of the petitioner as raise in response dated 19.12.2025 Annexure-P/2.

**10.3** That, this Hon'ble Court may kindly be pleased to further direct the petitioner to consider his case as other similarly situated persons case will be considered as per order passed on 16.03.2021 in WPC No.1490/2021 (Vide Annex. P-5)

**10.4** Any other relief/reliefs which may deem fit and proper in the facts and circumstances of the case may also be allowed."

2. Learned counsel for the petitioner submits that the petitioner operates a fruit and vegetable shop under the name "Adarsh Fruit Company," located at Sanjay Complex, inside Sabji Mandir, Raipur. He holds a registered license for the business, which was recently renewed by the competent authority on October 1, 2025 (Annexure-P/4). However, Respondent No. 3 (Municipal Corporation Raigarh) issued an eviction notice on 11.11.2025 (Annexure-P/1). The notice alleges that the petitioner's shade is constructed in front of a public toilet, which causes inconvenience to the public particularly women in going to the said facility. The petitioner replied to said notice, stating that the shop does not hinder access to the toilet and that his sole source of income is depend on the said shop, however, his grievance was not considered.
3. Counsel further submits that a similarly situated petitioner namely, Kailash Jigyashi, previously filed a writ petition (WPC No1490/2021) and was granted relief on 16.03.2021. In that case, the Commissioner of Municipal Corporation Raigarh submitted an affidavit on 9.12 2020, assuring that such vendors would be resettled either at their existing location or an appropriate alternative place. Counsel prays that since this case is also covered by that judgment the present petition be disposed of under the similar terms.



4. Learned Senior Counsel for Respondent No. 3, the main contesting party, has no objection if the present petition is disposed of in terms of WPC No. 1490/2021 and WPC No. 678/2013.
5. A perusal of the order dated 16.03.2021 passed in WPC No. 1490/2021 reveals that the petitioner therein was an occupant of Sanjay Complex operating a betel shop. The Co-ordinate Bench disposed of that writ petition, holding that the petitioner (Kailash) shall be governed by the terms set forth in the judgment dated 27.01.2021 passed in WPC No. 678/2013 and shall comply with the concerned requisition.
6. Upon a perusal of the present case and considering the submissions made counsel for the parties, it appears that the current matter is squarely covered by the aforementioned cases. Here, it would be appropriate to quote the order dated 16.03.2021 passed in WPC No. 1490/2021, which reads as follows:

"1. Learned counsel for the petitioner submits that the petitioner is occupant of Sanjay complex and was running a Betel Shop and he is being paying the rent to the Municipal Corporation from time to time including the tax and occupation charges. He would submit that similarly like nature of petitioner filed a petition bearing WPC No.678/2013 and order has been passed by the coordinate bench on 27/01/2021. He submits that this case is squarely covered by the same judgment and the petitioner would be the beneficiary under the said order.

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 vendors vending in the area. In such manner as prescribed in the scheme and no street vendor 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.*

*(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 cause.*

*(iv) That, the respondent authorities be directed to follow the provision relating to regulation of vendors by forming Town Vending Committee, thereafter registration of vendors identification of zone and finally allotment of the place to the vendors 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.

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 03.12.2020 को संजय मार्केट काम्पलेक्स में बाजार के निर्माण एवं पसरा तथा दुकान के निर्माण से संबंधित प्रस्ताव तथा उसका आबंटन वर्तमान सब्जी विक्रेताओं जो वर्तमान में सब्जी पसरो में हैं, उन्हें 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 है।

2. यह कि संजय मार्केट काम्पलेक्स में स्थापित सब्जी विक्रेता एवं अन्य व्यवसायी जो स्थान निगम को कब्जा सौंपते हैं उन्हें 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 रायगढ़ द्वारा लिया जावेगा।

4. यह कि जो व्यक्ति उक्त संजय मार्केट काम्पलेक्स में वर्तमान में जिस जमीन पर काबिज है उसका कब्जा नगर पालिक निगम रायगढ़ को देने पर उन्हें 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 उन्हें तदनुसार आबंटन होते ही निगम द्वारा प्रदाय वैकल्पिक स्थान को उन्हें छोड़ना होगा।

5. यह कि संजय मार्केट काम्पलेक्स सब्जी मंडी को दो साल के अन्दर यथासंभव निर्माण कराकर उन्हें 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 नहीं किया जावेगा।

7. यह कि स्थल का आबंटन उपलब्धता के अनुसार छोटा या बड़ा किया जा सकता और इसके संबंध में याचिकाकर्ता माननीय न्यायालय में अवमानना याचिका के रूप प्रस्तुत नहीं किया जावेगा क्योंकि नवनिर्माण 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 होगा तथा उसमें किसी प्रकार का आपत्ति करने का कोई अधिकार उसे नहीं होगा और ऐसे आबंटन के विवाद की स्थिति में नगर पालिक निगम रायगढ़ का निर्णय अंतिम एवं मान्य होगा तथा दोनों पक्षों पर बंधनकारी होगा ।

10. यह कि सब्जी या फल विक्रेता जो वर्तमान में कब्जाधारी है और कब्जानिगम को सौंपते हैं उन्हें पसरा निर्माण कर लागत मूल्य एवं 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 करलेना होगा ।

11. यह कि इसी प्रकार सब्जी विक्रेताओं के अतिरिक्त जो वर्तमान कब्जाधारी है और अपना कब्जा निगम को सौंपते हैं जैसे कपड़ा दुकान/जूता दुकान /भोजनालय इत्यादि दुकाने हैं 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 होगा ।

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 ।

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.*

*6. With the aforesaid observations, the writ petition stands disposed of."*

**3.** Learned counsel for the Municipal Corporation would submit that the cause of the petitioner is governed by the judgement which is rendered supra.

**4.** In view of such fact, it is directed that the petitioner shall also be governed by terms set forth in the judgement dated 27/01/2021 passed in WPC No.678/2013 and shall comply with the requisition.

**5.** Accordingly, the petition stands disposed of."

**7.** In light of the aforementioned judgments and considering the grievance of the petitioner, it is apparent that the issues raised in this petition have already been addressed by the Co-ordinate Bench in the two cases cited above. It is also undisputed that the petitioner's case is at par with those in the earlier writ petitions.



8. Accordingly, this writ petition is disposed of in terms of the order dated 16.03.2021 passed in WPC No. 1490/2021 and order dated 27.01.2021 passed in WPC No. 678/2013. Respondent No. 3 is directed to redress the petitioner's grievance in accordance with the terms of those orders.
9. Furthermore, it is directed that until the petitioner's grievance is redressed in light of the aforesaid orders, no coercive action shall be taken against the petitioner by Respondent No. 3 in respect of the eviction notice dated 11.11.2025 (Annexure-P/1).
10. With the aforesaid observation, this writ petition is disposed of.

Sd/-

**(Naresh Kumar Chandravanshi)**  
**Judge**

Ajay