



2026:CGHC:13431



2026:CGHC:13430

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 1232 of 2026

Ram Asara S/o Panchu Pal Aged About 52 Years R/o Village- Paloud, Tahsil- Mandir Hasaud, District- Raipur (C.G.)

... Petitioner.

Versus

1 - State Of Chhattisgarh Through Secretary, Housing And Environment Department, Govt. Of Chhattisgarh, Mantralaya, Mahanadi Bhavan, Atal Nagar, Nava Raipur, District- Raipur (C.G.)

2 - Nava Raipur Atal Nagar Development Authority Through- Its Chief Executive Officer, Paryavas Bhavan, North Block, Sector- 19, Nava Raipur, Atal Nagar, District- Raipur (C.G.)

... Respondents.

WITH

WPC No. 1235 of 2026

Dharmin Bai W/o Kaluram Pardhi Aged About 53 Years R/o Village Paloud, Tahsil - Mandir Hasaud, District Raipur Chhattisgarh

... Petitioner.

versus

1 - State Of Chhattisgarh Through Secretary, Housing And Environment Department, Govt. Of Chhattisgarh, Mantralaya, Mahanadi Bhavan, Atal Nagar, Nava Raipur, District Raipur Chhattisgarh

2 - Nava Raipur Atal Nagar Development Authority Through Its Chief Executive Officer, Paryavas Bhavan, North Block, Sector-19, Nava Raipur, Atal Nagar, District Raipur Chhattisgarh

... Respondents.

WITH

WPC No. 1236 of 2026

Bhakta Vidur S/o Brijlal Patel Aged About 37 Years R/o Village Paloud, Tahsil Mandir Hasaud, District Raipur (CG)



versus

1 - State Of Chhattisgarh Through- Secretary, Housing And Environment Department, Govt. Of Chhattisgarh, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nava Raipur, District Raipur (CG)

2 - Nava Raipur, Atal Nagar Development Authority Through- Its Chief Executive Officer, Paryavas Bhavan, North Block, Sector-19, Nava Raipur, Atal Nagar, District Raipur (CG)

... Respondents.

(cause title downloaded from CIS Periphery)

For Petitioners	:	Mr. MPS Bhatia & Mr. B. S. Rajput, Advocates
For Res No.1/State	:	Mr. Anand Dadariya, Dy. AG and Mr. Sabyasachi Choubey, GA respectively.
For Respondent No.2	:	Mr. Avinash Singh, Advocate.

(Hon'ble Shri Justice Naresh Kumar Chandravanshi)

Order on Board

20/03/2026

1. Since the issues raised in above three captioned petitions are the one and the same, they are taken up for analogous hearing and are being disposed of by this common order.
2. The petitioners have filed the above writ petitions under Article 226 of the Constitution of India seeking following reliefs:-

"10.1 That the Hon'ble High Court may kindly be pleased to issue a writ, order or direction to the respondent in the nature of certiorari quashing the impugned order/Notice (Annexure-P/1) (16.01.2026 & 30.01.2026 respectively), in the ends of justice.

10.2 That the Hon'ble High Court may kindly be pleased to issue a writ, order or direction to the in the nature of mandamus directing the respondents to allot/consider for



allotment the alternative land to the petitioner and for grant of financial help to the petitioner, in the ends of justice.

10.3 That the Hon'ble High Court may kindly be pleased to grant any other alternative, additional writ in favour of the petitioner including the cost of the petition, and in the ends of justice."

3. Learned counsel for the petitioners submits that the petitioners are poor, landless persons/labours who have constructed their separate Kaccha house in Village Paloud, Tahsil Mandir Hasaud, District Raipur. They and their families are residing there for approximately 40 years. He further submits that Respondent No. 2 - Nava Raipur Atal Nagar Development Authority (NRDA), issued notices to each petitioners on 16.01.2026 and 30.01.2026, respectively, (Annexure-P/1) to vacate the subject land. Although the petitioners submitted representations on 20.01.2026 (Annexure-P/4) requesting alternative arrangements, but same are remain pending till date. Counsel further states that the petitioners are willing to file fresh applications/representations before Respondent No. 2 seeking rehabilitation or grant of alternative residential house and compensation for the demolition of their house/property. Hence, he prays that the present petitions be disposed of at this stage, granting the petitioners liberty to file fresh applications before Respondent No.2 for the redressal of above grievances and Respondent No.2 be directed to decide the same within a stipulated time-frame and that, in the meantime, the petitioners be granted interim protection from eviction.
4. In response, learned counsel for respondents conjointly submit that if petitioners will move applications before the Authority for



rehabilitation/alternative arrangement of house etc., their applications will be decided in accordance with law.

5. Heard learned counsel for the parties and perused the material on record.
6. The Hon'ble Supreme Court in the case of Ahmedabad Municipal Corporation Vs. Nawab Khan Gulab Khan and Ors {MANU/SC/0051/1997}, has observed the constitutional duty of the State in cases involving encroachment. The relevant portion of the afore-cited judgment is reproduced hereunder:-

13....It would, therefore, be clear that though no person has a right to encroach and erect structures or otherwise on footpath, pavement or public streets or any other place reserved or earmarked for a public purpose, the State has the Constitutional duty to provide adequate facilities and opportunities by distributing its wealth and resources for settlement of life and erection of shelter over their heads to make the right to life meaningful, effective and fruitful..."

7. Further, the Hon'ble Supreme Court in the case of In Re: T.N. Godavarman Thirumulpad Vs. Union of India and Ors.{MANU/SC/0762/2025}, while dealing with issue of right to shelter referred the case of Chameli Singh and Ors. v. State of U.P. and Anr. MANU/SC/0286/1996: (1996) 2 SCC 549, in which it has been held as under:-

"8....Shelter for a human being, therefore, is not a mere protection of his life and limb. It is home where he has opportunities to grow physically, mentally, intellectually and spiritually. Right to shelter, therefore, includes adequate living space, safe and decent structure, clean and decent surroundings, sufficient light, pure air and water, electricity, sanitation and other civic amenities like roads etc..."



8. Reverting back to the present case, it is apt to note here that from perusal of brochure (Annexure-P/2) issued by the Naya Raipur Development Authority, it appears that various provisions and schemes have been contemplated for rehabilitation of landless persons which has also been approved by the empowered committee in meeting dated 10.09.2008. The contents of said meeting (mentioned in Page No.26 of Writ Petition) are reproduced hereunder:-

"सशक्त समिति की बैठक दिनांक 10.09.2008 का एजेंडा क.-3 कंडिका-5 में संशोधन कर प्रत्येक परिवार-जिसके पास आवास अथवा आवासीय भूखंड उपलब्ध न हो, को 1200 वर्गफुट का आवासीय भूखंड उपलब्ध कराने के प्रावधान को समाप्त किया जावे। यह निर्णय लिया गया कि मकान के बदले मकान योजना के तहत राखी की आबादी भूमि में स्थित आवासों के मामले में नया राखी में 2000 वर्गफुट के भूखंड पर निर्मित मकानों के अंतर्गत कच्चा आवास के मामले में 400 वर्गफुट के निर्मित मकानों के स्थान पर 600 वर्गफुट, अर्धपक्का आवास के मामले में 600 वर्गफुट के स्थान पर 800 वर्गफुट एवं पक्का आवास के मामले में 800 वर्गफुट के स्थान पर 1000 वर्गफुट का पक्का मकान विस्थापितों को देने का प्रावधान किया जावे।"

9. Moreover, counsel for Respondent No. 2 submits that in order dated 20.12.2017 passed by the Chief Executive Officer, Naya Raipur Development Authority, New Raipur (CG), it has been mentioned that the Authority provides Economically Weaker Section (E.W.S.) housing to individuals who have constructed houses by encroaching upon government land.
10. Having regard to the law laid down by the Hon'ble Supreme Court as cited above, and further considering the scheme/brochure issued by Respondent No.2 (Annexure-P/2) and submission of respondent No.2 with regard to order dated 20.12.2017, this Court, in view of the limited prayer made by counsel for the petitioners, hereby dispose of these writ petition reserving liberty in favor of the each petitioners to file application before Respondent



No.2-NRDA for the redressal of their grievances regarding rehabilitation or alternative house arrangements and compensation. The petitioners are directed to file such application within 15 days from today. Upon receipt of such applications, Respondent No.2 is directed to decide the same within a further period of 60 days, in accordance with the applicable laws, rules, and schemes.

11. However, till the decision on such applications, no coercive steps shall be taken against the petitioners, particularly with respect to their eviction from their existing houses.
12. With the aforesaid observation and direction, these writ petitions are disposed of.
13. However, it is made clear that this Court has not expressed any opinion on merits of the case.
14. Pending applications, if any, also stand disposed of.

Sd/-

(Naresh Kumar Chandravanshi)
Judge

Ajay