



2026:CGHC:18889



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 1996 of 2026

1 - Omprakash Tatiya S/o Late Nathmal Tatiya Aged About 79 Years R/o Tikrapara Ward No. 4, Sadar Road, Balod, District Balod Chhattisgarh

2 - Jawarilal Tatiya S/o Nathmal Aged About 75 Years R/o Tikrapara Ward No. 4, Sadar Road, Balod, District Balod Chhattisgarh

3 - Mohanlal Tatiya S/o Nathmal Aged About 65 Years R/o Tikrapara Ward No. 4, Sadar Road, Balod, District Balod Chhattisgarh.

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Urban Administration And Development, Mantralaya, Mahanadi Bhawan, Naya Raipur Chhattisgarh

2 - The Collector District Balod Chhattisgarh

3 - The Sub-Divisional Officer (R) Balod, District Balod Chhattisgarh

4 - The Chief Municipal Officer Balod, District Balod Chhattisgarh

5 - The President Municipal Council, Balod, District Balod Chhattisgarh

... Respondents

For the Petitioners : Ms. Pratibha Sahu, Advocate.

For the State : Mr. Shobhit Mishra, Dy. GA.

Hon'ble Mr. Amitendra Kishore Prasad, Judge

Order on Board



24.04.2026

1. Petitioners have filed this petition under Article 226 of the Constitution of India with following reliefs:

“10. RELIEF SOUGHT:

i. That, this Hon'ble Court may kindly be pleased to allow the present writ petition.

ii. That, this Hon'ble Court may kindly be pleased to issue an appropriate writ/order/direction quashing the impugned notice dated 08.04.2026 issued by the Respondent No. 4.

iii. That, the Hon'ble Court may restrain the respondents from taking any coercive action including demolition against the petitioner's property.

iv. That, the Hon'ble Court may direct the respondents to conduct proper demarcation before taking any action;”

2. Learned counsel for the petitioners submits that respondent No.4/Chief Municipal Officer has issued the impugned notice dated 08.04.2026 (Annexure P-2) to the petitioner for eviction alleging encroachment made by him. Petitioners replied to the said notice stating that they have not encroached any portion and, as such, the notice is not in accordance with law, however, respondent-authority concerned is not considering the same. During the pendency of this proceeding before respondent No.4, petitioners are being harass for removal of alleged encroachment, hence, petitioners



came up before this Court with aforesaid prayer/reliefs.

3. Learned State Counsel opposes the submissions of counsel for the petitioners and supports the impugned notice.
4. Heard learned counsel for the parties and perused the writ petition including the impugned notice.
5. Considering the facts and circumstances of the case, nature of reliefs, submissions of counsel for the parties, particularly the fact that the petitioners have already replied to the impugned notice which is pending for consideration, the instant petition stands disposed of directing respondent No.4/CMO, Balod to hear the petitioners and peruse the documents filed alongwith this petition by the petitioners and after giving due opportunity of hearing to the petitioners pass an appropriate order in accordance with relevant rules/law.
6. Respondent No.4/CMO, Balod is directed not to take any coercive steps against the petitioners till the decision of the reply filed by them.

CC as per rules.

Sd/-
(Amitendra Kishore Prasad)
Judge