



2026:CGHC:18629



2026:CGHC:18629

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPC No. 2962 of 2021**

Mrs. Laxmi Bai W/o Late Mr. Yashwant Futan Aged About 55 Years R/o Jawahar Ward Kanker, Police Station Kanker, Tahsil- Kanker, District- Uttar Bastar- Kanker, Chhattisgarh

--- Petitioner**versus**

- 1** - The State Of Chhattisgarh Through Secretary, Nagriya, Prashashan And Vikas Vighag, Mantralaya, Raipur, Chhattisgarh, District : Raipur, Chhattisgarh
- 2** - The Collector, District- Uttar Baster, Kanker, Chhattisgarh, District : Kanker, Chhattisgarh
- 3** - Naib Tahsildar (Nazul), Kanker, District- Uttar Baster,kanker, Chhattisgarh, District : Kanker, Chhattisgarh
- 4** - Nagar Palika Parishad, Through Its Chief Municipal Officer, Nagar Palika Parishad, Kanker, Chhattisgarh, District : Kanker, Chhattisgarh
- 5** - Chief Municipal Officer, Nagar Palika Parishad, Kanker, Chhattisgarh, District : Kanker, Chhattisgarh

--- Respondents**WPC No. 3020 of 2021**

Mrs. Suruj Bai W/o Late Mr. Surti Nag Aged About 65 Years Jawahar Ward Kanker Police Station Kanker Tahsil Kanker District Uttar Bastar Chhattisgarh

---Petitioner**Versus**

- 1** - The State Of Chhattisgarh Through Secretary, Nagriya Prashashan Vikas Vibhag, Mantralaya Raipur Chhattisgarh
- 2** - The Collector District Uttar Bastar Chhattisgarh
- 3** - Naib Tahsildar (Nazul) Kanker District Uttar Bastar Chhattisgarh



4 - Nagar Palika Parishad Through Its Chief Municipal Officer, Nagar Palika Parishad Kanker District Uttar Bastar Chhattisgarh

5 - Chief Municipal Officer, Nagar Palika Parishad Kanker District Uttar Bastar Chhattisgarh

--- Respondents

For Petitioners	:	Mr. Parag Kotecha, Advocate
For Respondents 1 to 3/ State	:	Mr. Ujjawal Choubey, Panel Lawyer
For Respondents 4 & 5 in WPC No.2962/21	:	Mr. Gagan Tiwari, Advocate

(Hon'ble Shri Justice Naresh Kumar Chandravanshi)

Order on Board

23.4.2026

1. Since the issues involved in above mentioned writ petitions are identical, they are taken up for analogous hearing and are being disposed of by this common order.

2. The petitioners in both the petitions have challenged Eviction Notice dated 15.02.2021 (Annexure-P/3) issued by respondent No.5 and Notice dated 09.02.2021 (Annexure-P/4) issued by respondent No.3.

3. Learned counsel for the petitioners submit that the petitioners belong to the Below Poverty Line (BPL) category and have been residing at the present location since the time of their forefathers, having inherited the house by succession and presently residing with their family in a small residential structure constructed at Jawahar Ward, Kanker, Distt. Kanker. It is further submitted that the petitioners are paying property tax and other taxes to Nagar Palika Parishad, Kanker and have also been provided electricity connection by the authority. He further submits that the respondents intend to construct Congress Bhawan, therefore, aforesaid eviction notices were issued to the petitioners alleging therein that they have encroached upon the "med" (embankment) near *Dadiya Talab*, thereby



violated the provisions of Section 223 of the Chhattisgarh Municipalities Act, 1961, whereas, the petitioners have not encroached the pathway or the said “med”. It is further submitted that though aforesaid notices were issued to the petitioners in the year 2021, but no adverse action has been taken by the respondent authorities against them till date. Hence, it is prayed that impugned notices (Annexure-P/3 & P/4) be quashed.

4. Respondents 4 & 5 have filed their reply stating therein that the petitioners have encroached upon “med” of *Dadiya Talab* situated at Ward No.5, Jawahar Ward, Kanker. He further submits that allegation made by the petitioners that the said land is required by the respondents for construction of Congress Bhawan is incorrect, rather beautification of the pond has been proposed and order has also been placed to the concerned company, therefore, said notices have been issued on the ground that the petitioners are in encroachment over the Government land.

5. Respondents 1 to 3/State has also filed their reply on similar footing of respondents 4 & 5.

6. Learned counsel for the respondents jointly submit that since the petitioners do not possess any valid documents to show their possession over the Government land and the same is Nazool land, which is required for the purpose of beautification of the pond, therefore, impugned notices have been issued to them. However, it is further submit that the petitioners have not been evicted from the said land by the respondent authorities till date.

7. I have heard learned counsel for the parties and perused the material available on record.

8. Having considered the aforesaid contention of learned counsel for the parties, and particularly considering the fact that impugned notices were issued in the year 2021, i.e. more than 5 years have passed and no coercive



steps have been taken against the petitioners as contended by learned counsel for the parties, further perusal of both the notices does not reflect identity of the land, area of encroachment etc, therefore, this Court is of the opinion that the impugned notices cannot be sustained and are liable to be quashed.

9. Accordingly, the impugned notice dated 15.02.2021 (Annexure-P/3) issued by respondent No.5 and Notice dated 09.02.2021 (Annexure-P/4) issued by respondent No.3 to the petitioners are hereby quashed. However, it is directed that in the event, the respondents propose to initiate any action against the petitioners, they shall first issue a fresh and proper notice in accordance with law and thereafter proceed strictly in accordance with law ensuring that the petitioners are afforded full, fair and effective opportunity of hearing before any adverse decision is taken against them.

10. In view of the above, both the petitions stand disposed of.

11. Pending interlocutory application(s), if any, stands disposed of.

Sd/-
(Naresh Kumar Chandravanshi)
Judge