



CGHC010274772026



2026:CGHC:31585

NAFR

## HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 3730 of 2026

Judgment Reserved On : 22.07.2026.

Judgment Delivered On : 23.07.2026.

1 - Jhamman Sahu S/o- Shri H.K. Sahu Aged About 55 Years R/o- 126/3, Ward No. 26, Santara Badi, Durg, District- Durg (C.G.)

--- Petitioner(s)

**versus**

1 - State Of Chhattisgarh Through- Secretary, Department Of Revenue, Mahanadi Bhawan, New Mantralaya, Atal Nagar, Raipur, District- Raipur (C.G.)

2 - Chairman And Collector Jila Kridangan Samiti Durg District- Durg (C.G.)

3 - Secretary And Sub Divisional Officer (Revenue), Jila Kridangan Samiti Durg District- Durg (C.G.)

4 - Additional District Magistrate Durg District- Durg (C.G.)

5 - Tahsildar Durg District- Durg (C.G.)

6 - Executive Engineer, Public Work Department, Durg Division Durg District- Durg (C.G.)

--- Respondent(s)

WPC No. 3794 of 2026

1 - Shahed Khan S/o Habeb Khan Aged About 45 Years R/o -05, Behind Rao Cottage, Near Sahu Kirana, Kasaridih, Durg, District- Durg, C.G.

---Petitioner(s)

**Versus**

1 - State Of Chhattisgarh Through- Secretary, Department Of Revenue, Mahanadi Bhawan, New Mantralaya, Atal Nagar, Raipur, District- Raipur, C.G.

2 - Chairman And Collector Jila Kridangan Samiti Durg District- Durg, C.G.

3 - Secretary And Sub-Divisional Officer (Revenue) Jila Kridangan Samiti Durg District- Durg, C.G.

4 - Additional District Magistrate Durg District- Durg, C.G.

5 - Tahsildar Durg District- Durg, C.G.

6 - Executive Engineer Public Work Department, Durg Division Durg District- Durg, C.G.

--- Respondent(s)

**WPC No. 3790 of 2026**

1 - Jaspal Singh S/o Shri Harbhajan Singh Aged About 51 Years R/o- House No. 63, Ward No. 25, Vtc Durg, Durg, District- Durg (C.G.)

---Petitioner(s)

**Versus**

1 - State Of Chhattisgarh Through Secretary, Department Of Revenue, Mahanadi Bhawan, New Mantralaya, Atal Nagar, Raipur, District- Raipur (C.G.)

2 - Chairman And Collector Jila Kridangan Samiti Durg District Durg (C.G.)

3 - Secretary And Sub-Divisional Officer (Revenue) Jila Kridangan Samiti Durg District Durg (C.G.)

4 - Additional District Magistrate Durg District Durg (C.G.)

5 - Tahsildar Durg District Durg (C.G.)

6 - Executive Engineer Public Work Department, Durg Division Durg District- Durg (C.G.)

--- Respondent(s)

**WPC No. 3789 of 2026**

Gulam Rahmani S/o Late Gulam Mustafa, Aged About 44 Years R/o Kasaridih, Ward No. 42 Near Sagar Tent House, Durg, District - Durg (C.G.)

---Petitioner(s)

**Versus**

1 - State Of Chhattisgarh Through Secretary, Department Of Revenue, Mahanadi Bhawan, New Mantralaya, Atal Nagar, Raipur, District - Raipur (C.G.)

2 - Chairman And Collector Jila Kridangan Samiti Durg District Durg (C.G.)

3 - Secretary And Sub-Divisional Officer (Revenue), Jila Kridangan Samiti Durg, District Durg (C.G.)

4 - Additional District Magistrate Durg, District Durg (C.G.)

5 - Tahsildar Durg, District Durg (C.G.)

6 - Executive Engineer, Public Work Department, Durg Division Durg District -Durg (C.G.)

--- Respondent(s)

**WPC No. 3787 of 2026**

1 - Piyush Pandey S/o Chandrashekhar Pandey Aged About 46 Years R/o M I G C-495, Padhmanabhpur Near Mini Stadium Durg, District Durg C.G.

---Petitioner(s)

**Versus**

1 - State Of Chhattisgarh Through Secretary Department Of Revenue Mahandi Bhawan New Mantralaya Atal Nagar Raipur District Raipur C.G.

2 - Chairman And Collector Jila Kridangan Samiti Durg District Durg C.G.

3 - Secretary And Sub Divisional Officer Revenue Jila Kridangan Samiti Durg District Durg C.G.

4 - Additional District Magistrate Durg District Durg C.G.

5 - Tehsildar Durg District Durg C.G.

6 - Executive Engineer Public Work Department Durg Division Durg District Durg C.G.

--- Respondent(s)

**WPC No. 3786 of 2026**

1 - Ghanshyam Sahu S/o Keshavram Sahu Aged About 38 Years R/o Ward No.41 Kelabadi Near Ramesh Thekedar Gali, Subhash Nagar V T C Durg District- Durg (C.G.)

---Petitioner(s)

**Versus**

1 - State Of Chhattisgarh Through- Secretary Department Of Revenue Mahanadi Bhawan New Mantralaya Atal Nagar, Raipur District- Raipur (C.G.)

2 - Chairman And Collector Jila Kridangan Samiti Durg District- Durg (C.G.)

3 - Secretary And Sub Divisional Officer (Revenue) Jila Kridangan Samiti Durg District Durg (C.G.)

4 - Additional District Magistrate Durg District Durg (C.G.)

5 - Tahsildar Durg District- Durg (C.G.)

6 - Executive Engineer Public Work Department Durg Division Durg District- Durg (C.G.)

--- Respondent(s)

**WPC No. 3785 of 2026**

1 - Mayank Pandey S/o Chandrashekhar Pandey Aged About 43 Years R/o M I G C- 495, Padmanabhpur Near Mini Stadium Durg District- Durg (C.G.)

---Petitioner(s)

**Versus**

1 - State Of Chhattisgarh , Through Secretary Department of Revenue, Mahanadi Bhawan, New Mantralaya Atal Nagar, Raipur District Raipur C.G.

2 - Chairman And Collector Jila Kridangan Samiti Durg District- Durg (C.G.)

3 - Secretary And Sub Divisional Officer (Revenue) Jila Kridangan Samiti Durg District- Durg (C.G.)

4 - Additional District Magistrate Durg District Durg (C.G.)

5 - Tahsildar Durg District- Durg (C.G.)

6 - Executive Engineer Public Work Department Durg Division Durg District- Durg (C.G.)

--- Respondent(s)

**WPC No. 3772 of 2026**

1 - Ashok Lawhatre S/o Tejram Lawhatre Aged About 55 Years R/o- 452, Ambedkar Nagar, Ward No. 56, Street No. 1, Durg, District- Durg (C.G.)

---Petitioner(s)

**Versus**

1 - State Of Chhattisgarh , Through Secretary Department of Revenue, Mahanadi Bhawan, New Mantralaya Atal Nagar, Raipur District Raipur C.G.

2 - Chairman And Collector Jila Kridangan Samiti Durg District Durg (C.G.)

3 - Secretary And Sub-Divisional Officer (Revenue) Jila Kridangan Samiti Durg District Durg (C.G.)

4 - Additional District Magistrate Durg, District Durg (C.G.)

5 - Tahsildar Durg, District Durg (C.G.)

6 - Executive Engineer Public Work Department, Durg Division Durg District Durg (C.G.)

--- Respondent(s)

**WPC No. 3803 of 2026**

1 - Abdul Rafiq Khan S/o Subayat Khan Aged About 56 Years R/o Qr. No. 727 Ward 44, Kasaridih Durg Tahsil And District Durg (C.G.) 491001, Proprietor- Khan Bus Body Works Shop No. 88, Ravishankar Stadium, Durg, 491001

---Petitioner(s)

**Versus**

1 - State Of Chhattisgarh , Through Secretary Department of Revenue and Disastrous Management, Mahanadi Bhawan, Mantralaya Atal Nagar, Nawa Raipur C.G.

2 - State Of Chhattisgarh Through-Secretary, Department Of Public Work Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nava Raipur, C.G.

3 - Jila Kridangan Nirman Samiti Reg. No. 3645 Ravishankar Stadium, Durg Tahsil And District- Durg, C.G.

4 - District Collector Cum Chairman Jila Kridangan Nirman Samiti, Ravishankar Stadium, Durg, Tahsil And District Durg, C.G.

5 - Sub-Divisional Officer (Revenue) Cum Secretary Jila Kridangan Nirman Samiti Durg, Tahsil And District Durg, C.G.

6 - Sub- Divisional Officer Public Work Department Division Durg, Near New Bus Stand Durg, District- Durg, C.G.

7 - Assistant Registrar Firms And Societies Durg Division Padmanabhpur Durg, District - Durg, C.G.

8 - Commissioner Municipal Corporation, Durg, District Durg, C.G.

--- Respondent(s)

**WPC No. 3801 of 2026**

1 - Harjeet Singh S/o Late Dilip Singh Aged About 58 Years R/o Qr. No. 184 Ward 11 Street No. 2 Shankar Nagar, Durg Tahsil And District Durg, C.G. 491001, Proprietor- Jeet Denting Painting Work Shop No. 75, Ravishankar Stadium, Durg.

---Petitioner(s)

**Versus**

1 - State Of Chhattisgarh , Through Secretary Department of Revenue and Disastrous Management, Mahanadi Bhawan, Mantralaya Atal Nagar, Nawa Raipur C.G.

2 - State Of Chhattisgarh Through-Secretary, Department Of Public Work Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nava Raipur, C.G.

3 - Jila Kridangan Nirman Samiti Reg. No. 3645 Ravishankar Stadium, Durg Tahsil And District- Durg, C.G.

4 - District Collector Cum Chairman Jila Kridangan Nirman Samiti, Ravishankar Stadium, Durg, Tahsil And District Durg, C.G.

5 - Sub-Divisional Officer (Revenue) Cum Secretary Jila Kridangan Nirman Samiti Durg, Tahsil And District Durg, C.G.

6 - Sub- Divisional Officer Public Work Department Division Durg, Near New Bus Stand Durg, District- Durg, C.G.

7 - Assistant Registrar Firms And Societies Durg Division Padmanabhpur Durg, District - Durg, C.G.

8 - Commissioner Municipal Corporation, Durg, District Durg, C.G.

--- Respondent(s)

**WPC No. 3800 of 2026**

1 - Sameer Khan S/o Fazlu Rahman Khan Aged About 46 Years R/o Near Gulmohar Apartments, Ward No. 41, Durg, District- Durg (C.G.)

---Petitioner(s)

**Versus**

1 - State Of Chhattisgarh Through Secretary Department Of Revenue, Mahanadi Bhawan, New Mantralaya, Atal Nagar, Raipur, District- Raipur (C.G.)

2 - Chairman And Collector Jila Kridangan Samiti Durg District Durg (C.G.)

3 - Secretary And Sub-Divisional Officer (Revenue) Jila Kridangan Samiti Durg, District Durg (C.G.)

4 - Additional District Magistrate Durg, District Durg (C.G.)

5 - Tahsildar Durg, District Durg (C.G.)

6 - Executive Engineer Public Work Department, Durg Division Durg District- Durg (C.G.)

--- Respondent(s)

**WPC No. 3769 of 2026**

1 - Beant Singh Dhunna S/o Harbhajan Singh Aged About 57 Years R/o 63, Ward No.25 Durg, District- Durg (C.G.)

---Petitioner(s)

**Versus**

1 - State Of Chhattisgarh Through- Secretary, Department Of Revenue, Mahanadi Bhawan New Mantralaya Atal Nagar, Raipur, District- Raipur (C.G.)

2 - Chairman And Collector Jila Kridangan Samiti Durg District- Durg (C.G.)

3 - Secretary And Sub-Divisional Officer (Revenue) Jila Kridangan Samiti Durg District- Durg (C.G.)

4 - Additional District Magistrate Durg District- Durg (C.G.)

5 - Tahsildar Durg, District Durg (C.G.)

6 - Executive Engineer Public Works Department Durg Division Durg District- Durg (C.G.)

--- Respondent(s)

**WPC No. 3770 of 2026**

Ayaz Ahamed Khan S/o Mohammed Jamil Khan Aged About 67 Years R/o H.No. 211, Ward No. 08, Takiya Para 2, Durg District Durg C.G.

---Petitioner(s)

**Versus**

1 - State Of Chhattisgarh Through Secretary Department Of Revenue Mahanadi Bhawan, New Mantralaya Atal Nagar Raipur District Raipur C.G

2 - Chairman And Collector Jila Kridangan Samiti Durg District Durg C.G.

3 - Secretary And Sub Divisional Officer Revenue Jila Kridangan Samiti Durg District Durg C.G.

4 - Additional District Magistrate Durg District Durg C.G.

5 - Tehsildar Durg District Durg C.G.

6 - Executive Engineer Public Work Department Durg Division Durg District Durg C.G.

--- Respondent(s)

**WPC No. 3768 of 2026**

1 - Sheikh Rajjak S/o Sheikh Abdul Aged About 48 Years R/o Ward No. 41, Post Office Durg, Kasaridih, Durg, District Durg (C.G.)

---Petitioner(s)

**Versus**

1 - State Of Chhattisgarh Through Secretary, Department Of Revenue, Mahanadi Bhawan, New Mantralaya, Atal Nagar, Raipur, District- Raipur (C.G.)

2 - Chairman And Collector Jila Kridangan Samiti Durg District Durg (C.G.)

3 - Secretary And Sub-Divisional Officer (Revenue) Jila Kridangan Samiti Durg District Durg (C.G.)

4 - Additional District Magistrate Durg District Durg (C.G.)

5 - Tahsildar Durg, District Durg (C.G.)

6 - Executive Engineer Public Work Department, Durg Division Durg District Durg (C.G.)

--- Respondent(s)

**WPC No. 3757 of 2026**

1 - Jitendra Singh Kondal S/o Daljeet Singh Aged About 56 Years R/o H No. 315, Guru Nanak Nagar, Amdi Mandir, Ward-24, Mohan Nagar, Durg, District Durg Chhattisgarh

---Petitioner(s)

**Versus**

1 - State Of Chhattisgarh Through Secretary, Department Of Revenue, Mahanadi Bhawan, New Mantralaya, Atal Nagar, Raipur, District Raipur Chhattisgarh

2 - Chairman And Collector Jila Kridangan Samiti Durg District Durg Chhattisgarh

3 - Secretary And Sub-Divisional Officer (Revenue) Jila Kridangan Samiti Durg, District Durg Chhattisgarh

4 - Additional District Magistrate Durg, District Durg Chhattisgarh

5 - Tahsildar Durg, District Durg Chhattisgarh

6 - Executive Engineer Public Work Department, Durg Division Durg, District Durg Chhattisgarh

--- Respondent(s)

**WPC No. 3751 of 2026**

1 - Minhajuddin S/o- Mumtaz Hussain, Aged About 59 Years R/o- Ward No. 41, Near Bazar, Kelabadi, Durg, District- Durg (C.G.)

---Petitioner(s)

**Versus**

1 - State Of Chhattisgarh Through Secretary, Department Of Revenue, Mahanadi Bhawan, New Mantralaya, Atal Nagar, Raipur, District- Raipur (C.G.)

2 - Chirman And Collector Jila Kridangan Samiti Durg District- Durg (C.G.)

3 - Secretary And Sub- Divisional Officer (Revenue), Jila Kridangan Samiti Durg, District- Durg (C.G.)

4 - Additional District Magistrate Durg, District- Durg (C.G.)

5 - Tahsildar Durg, District- Durg (C.G.)

6 - Executive Engineer, Public Work Department , Durg Division Durg, District- Durg (C.G.)

--- Respondent(s)

|                              |   |                                                                                                       |
|------------------------------|---|-------------------------------------------------------------------------------------------------------|
| For respective Petitioner(s) | : | Ms. Fouzia Mirza, Senior Advocate with Shri Ali Afzaal Mirza, Advocate and Shri RK Gomasta, Advocate. |
|------------------------------|---|-------------------------------------------------------------------------------------------------------|

|                         |                                                                                                                                 |
|-------------------------|---------------------------------------------------------------------------------------------------------------------------------|
| For State/Respondent(s) | : Shri RK Gupta, Addl AG, Shri SS Choubey, GA, Shri Soumitra Kesharwani, Dr. Arham Siddiqui and Shri Amit Nayak, Panel Lawyers. |
|-------------------------|---------------------------------------------------------------------------------------------------------------------------------|

---

**Hon'ble Mr. Justice Amitendra Kishore Prasad**

**C A V Order**

1. Since a common grievance has been raised in all these writ petitions and the challenge has been made to the impugned pre-eviction notice dated 25.06.2026, they were clubbed together and are being disposed of by this common order.
  
2. All the writ petitioners are aggrieved by the impugned pre-eviction notice dated 25.06.2026 issued by the Secretary & Sub-Divisional Officer (Revenue), Jila Kridangan Samiti, District Durg, C.G. whereby the petitioners have been directed to vacate their respective shops which were allotted to them on or before 24.07.2026 as according to the report of Public Works Department, the shops allotted to the petitioners are now in a dilapidated condition which could be dangerous and they are now not in a condition of being used. The petitioners in light of said report of PWD were issued pre-eviction notice and were directed to vacate the shops, failing which, they will be evicted from the shops with the help of Administration for which, the petitioners will be solely responsible and any expenses incurred will be realised from the petitioners/shopkeepers through revenue recovery proceedings. The petitioners are seeking interference of this Court under Article 226 of the Constitution of India stating that the authorities have abruptly issued the impugned eviction notice which is infringement of rights granted under Article 19 & 21 of the Constitution of India and they have filed

these petitions for the following reliefs:-

*10.1 That, this Hon'ble Court may kindly be pleased to call for the entire record concerning the case of the petitioner from the respondent authorities for its kind perusal.*

*10.2 That this Hon'ble Court may kindly be please to quash the impugned notice dated 25.06.2026 (Annexure-P/1) issued by the respondent no. 3, in the interest of justice.*

*10.3 That this Hon'ble Court may kindly be please to direct the respondent authorities to rehabilitate the petitioner by giving alternative shop before evicting him.*

*10.4 That this Hon'ble Court may kindly be please to respondent authorities to grant priority and preference to the petitioner while allotting shop in the newly constructed stadium.*

*10.5 Any other relief or relief(s) which this Hon'ble Court may deem fit or proper in the facts and circumstances of the case.*

3. WPC No.3803 of 2026 has been filed for the following reliefs:-

*10.1 That the Hon'ble Court may kindly be pleased to issue appropriate Writ(s)/Order(s)/Direction(s) to quash the impugned notice dated 25.06.2026 (Annexure-P/1) issued by the respondent no 5 in the interest of justice.*

*10.2 That the Hon'ble Court may kindly be pleased to issue appropriate Writ(s)/Order(s)/Direction(s) to quash the impugned decision on agenda no.-1 dated 16.06.2026 (Annexure-P/2) taken by the respondent no 4 and 5 in the interest of justice.*

*10.3 That the Hon'ble Court may kindly be pleased to issue appropriate Writ(s)/Order(s)/Direction(s) directing the respondent authorities to the rehabilitated the PETITIONER at appropriate place according to the physibility of the profession to the PETITIONER.*

*10.4 Any other relief, which this Hon'ble Court may deem fit and proper according to the facts and circumstances of the case along with the cost of the petition.*

4. For the purposes of disposal, facts pleaded in WPC No.3730 of 2026 are being referred to. The petitioner was allotted shop no. 104 for a monthly rent of Rs. 600/- per month in addition to that Rs. 5000/- was also deposited by

the petitioner in view of the order dated 25.05.2005 issued by the respondent no. 3. Since the petitioner was allotted the aforementioned shop, he was running a shop in the name of Vaibhavi Printers (Choice Center) and was regularly paying the rent to the respondents and was earning his livelihood for Photographs in last 21 years. The petitioner has got his shop registered as per the Udyam Registration Scheme and the date of Udyam Registration is 03.04.2025, after which the petitioner was issued Udyam Registration Certificate. The expenses in connection to the aforementioned allotted shop to the petitioner is born by himself and the maintenance, electricity charges are being paid by the petitioner from time to time. All of a sudden, a meeting was conveyed on 16.06.2026 by the respondents in presence of members of Parliament Durg and in the said meeting, decision was taken with an agenda to evict the shop allotted to the petitioner citing the reason that, as the construction of the stadium premises in extremely dilapidated condition and there is apprehension of accident due to the vulnerable condition of the premises, therefore eviction notice dated 25.06.2026 was issued to the petitioner and he was directed to vacate the shop allotted to him on or before 24.07.2026. In the said time frame, if the shop is not vacated by the petitioner, in that condition forceful eviction may also be done if needed by the respondent authorities. As the proceedings have been initiated without following due process of law and without framing any rehabilitation policy and the petitioner has been directed to vacate the shop on or before 24.07.2026, as the existing stadium has been decided to be leased to BCCI which is evident from the proceeding dated 16.06.2026, which has been handed over to petitioner along with the notice.

5. Ms. Fouziya Mirza, learned Senior Counsel appearing for the petitioners submits that the allotment of the shop in favour of the petitioner was made by Jila Kridangan Nirman Samiti, Durg, which is a duly registered Society registered on 28.02.1974 bearing Registration No. 3645. The allotment made by the said competent authority has never been cancelled or set aside in accordance with law. She submits that the impugned order dated 25.06.2026 has been issued by the Secretary-cum-Sub Divisional Officer, Jila Kridangan Samiti, Durg, who is neither the authority that granted the allotment nor the competent authority to terminate the petitioner's tenancy or allotment. The petitioner has continuously paid rent to Jila Kridangan Nirman Samiti, Durg, thereby establishing a subsisting landlord-tenant relationship. Consequently, the impugned order is without jurisdiction and liable to be quashed.
6. Learned Senior counsel submits that the above eviction notice (Annexure-P/1), has issued by respondent no. 3 (Secretary and Sub Divisional Officer Revenue, Jila Kridangan Samiti Durg) without any authority, whereas the allotment order dated 25.05.2005 (Annexure-P/2) has been issued by Jila Kridangan Nirman Samiti having registered on 28.02.1974 (Annexure-P/7) and the rent receipt is also being paid to the same Samiti, though as per the minutes dated 16.06.2026, the meeting has been convened by Executive Committee of Jila Kridangan Samiti. The eviction notice has been issued without following due process of law as even a person in unlawful possession cannot be disturbed forcibly {see *Ajay Kumar vs. Northern Railways* reported in (2012) 12 SCC 128}. The petitioners are not trespassers or encroachers, but are holding permissive possession of the

shop and they cannot be thrown out of possession forcibly but can be evicted only by taking recourse to law {see *Rajesh Kumar Kotwani vs. Senani and Others* {WPC No.1729 of 2024}}. The respondent authorities without taking consideration any statue being referred in the notice without following the procedure under the Public Premises Eviction Act cannot be allowed to disposses the petitioners in violation of law and without framing any rehabilitation scheme and without givning any proper alternative premises for running their shops on which their livelihood depends in the month of rainy season {see *Utran Se Besthan Railway Jhopadpatti Vikas Mandal vs. Government of India & Ors.*, SLP No.19714/2021}.

7. Learned Senior counsel further submits that the petitioner has reliably learnt that the impugned eviction proceedings have been initiated solely to facilitate the proposed redevelopment of the Stadium and its proposed lease in favour of the Board of Control for Cricket in India (BCCI). The plea that the Stadium is in a dilapidated condition is merely a pretext to remove the existing lawful occupants. The petitioner, along with other similarly situated shopkeepers, has submitted detailed representations requesting that no eviction be undertaken without first providing proper rehabilitation or alternative accommodation. However, the respondents have failed to consider or decide the said representations. It is further submitted that the respondents have already finalized a project for redevelopment of the Stadium and its proposed handing over to the BCCI. Despite having ample opportunity, the respondents have not framed any rehabilitation or resettlement scheme for the existing lawful occupants before directing their eviction. Such action is arbitrary, unreasonable and violative of the principles of fairness. She further

submits that that the impugned eviction order dated 25.06.2026 has been issued during the rainy season granting an unreasonably short period for vacating the premises. The respondents have neither followed the due process of law nor taken into consideration the grave hardship that would be caused to the petitioner and his family. It is submitted that the respondents, being State authorities within the meaning of Article 12 of the Constitution, cannot deprive the petitioner of his right to livelihood and shelter by adopting arbitrary methods. Any action resulting in demolition or dispossession without following the procedure established by law amounts to a violation of Articles 14, 19 and 21 of the Constitution of India. The petitioner is in lawful possession of the shop pursuant to a valid allotment and has been regularly paying rent. If the respondents intend to redevelop the Stadium by leasing it to the BCCI for a period of 33 years, they are under a constitutional and legal obligation to formulate a fair rehabilitation and resettlement policy for the existing lawful occupants before undertaking any demolition. The impugned eviction notice has been issued without affording the petitioner an effective opportunity of hearing, without granting adequate time to respond, and without framing any rehabilitation or resettlement policy. Such action is arbitrary and violative of the petitioner's fundamental rights guaranteed under Articles 14, 19 and 21 of the Constitution. Further, the respondents have failed to adhere to the principles of natural justice and the due process of law. Since the impugned action directly affects the petitioner's livelihood and shelter, strict compliance with constitutional safeguards is mandatory. The respondents have suddenly selected the petitioner's shop for demolition in furtherance of the proposed Stadium project without first evolving any

policy for rehabilitation or providing any alternative accommodation. The circumstances clearly indicate arbitrariness and mala fide exercise of power. The proposed demolition is wholly unjustified and contrary to the Rule of Law. Even assuming that redevelopment is necessary, the respondents cannot dispossess the petitioner except by following the procedure established by law. Right to livelihood and the right to shelter are integral facets of the right to life guaranteed under Article 21 of the Constitution. Displacing the petitioner without reasonable notice, due process and rehabilitation would render the petitioner and his family destitute and would amount to an unconstitutional deprivation of fundamental rights. It is submitted that the petitioner's shop constitutes the sole source of livelihood for the petitioner and his family. The shop is the result of years of hard work and investment and provides financial security and dignity. Its arbitrary demolition without rehabilitation would irreparably prejudice not only the petitioner but his entire family. Lastly, it is submitted that the allotment order specifically stipulates payment of monthly rent at the rate of Rs.600/-, thereby clearly establishing a landlord-tenant relationship between the petitioner and Jila Kridangan Nirman Samiti, Durg. Consequently, the petitioner cannot be evicted except in accordance with the due process of law. The impugned order, having been issued without following such procedure, is wholly without jurisdiction, arbitrary, illegal and liable to be set aside by this Court.

8. Learned counsel for the petitioner Shri Gomasta submits that the petitioner has been subjected to discriminatory treatment by the respondent Society, which is arbitrary, unjust, and violative of the petitioner's fundamental and

legal rights. The impugned action has unlawfully deprived the petitioner of the right to carry on his profession and earn his livelihood. Therefore, the entire decision taken by the respondent Society, including the impugned eviction notice, is arbitrary, improper, unjustified, illegal, and liable to be quashed. The sole object behind the issuance of the impugned eviction notice is to evict the petitioner so as to facilitate the allotment of the land to the Board of Control for Cricket in India (BCCI) for the construction of a new cricket stadium under the pretext that the existing stadium building is in a dilapidated condition. The impugned action is nothing but an attempt to deprive the petitioner of his only source of livelihood and to snatch away his bread and butter. The aims and objects of the respondent Society, as provided under Clause 9 of its Bye-laws, are to promote and develop various sports activities in Durg District. However, the respondent Society has taken a decision to hand over the stadium to the Board of Control for Cricket in India (BCCI), which is beyond the scope and mandate of its aims and objects. The proposal to grant lease or otherwise transfer the stadium premises to BCCI is, therefore, contrary to the Society's Bye-laws and is liable to be declared illegal. He submits that the report dated 01.06.2026 submitted by the Executive Engineer, Public Works Department, Durg Division, Durg (C.G.), declaring the building situated within the stadium premises to be in a dilapidated condition, has been prepared without conducting any proper inspection or physical verification of the structure. Consequently, the said report is arbitrary, factually incorrect, and devoid of any scientific or technical basis, and therefore cannot be relied upon for initiating eviction proceedings against the petitioner.

9. At the outset, learned State counsel submits that the petitioners have erroneously invoked the provisions of the Chhattisgarh Rent Control Act, 2011. The said Act has no application to the present case in view of Section 3 thereof, which expressly exempts premises belonging to the State Government from the operation of the Act. Consequently, the petitioners cannot claim any statutory protection against eviction under the said enactment. The petitioners' contention founded upon the Chhattisgarh Public Premises (Eviction of Unauthorised Occupants) Act, 1974 is self-defeating. Until the expiry of the notice period on 24.07.2026, the petitioners remain contractual tenants and not unauthorised occupants, so that the Act of 1974 has no present application; and the submission that it must be invoked only thereafter, to secure a fresh round of notice and hearing once the petitioners are rendered unauthorised occupants, is but a device to prolong occupation and defeat a validly issued contractual notice. A tenant whose tenancy has been lawfully determined cannot invoke the machinery meant for unauthorised occupants to resist the very eviction that flows from his own contract. The controversy sought to be raised as to the existence of two distinct bodies, namely the District Kridangan Nirman Samiti, Durg and the District Kridangan Samiti, Durg, is wholly misconceived. There exists but one Samiti the District Kridangan Nirman Samiti, Durg of which the SDO(R) is the Secretary; the shorter description is a mere clerical variation denoting the same body, as is evident from the minutes of its meeting on record (Annexure P-2 in W.P.C No. 3801/26 & 3802/20). No question of title or jurisdiction arises from a difference in nomenclature, and the petitioners can find no right upon it. It is further submitted that the relationship between the

parties is governed by the terms and conditions of the agreement executed at the time of allotment of the shops. The agreement specifically empowers Respondent No. 3 to terminate the occupation and require the occupants to vacate the premises upon issuance of one month's prior notice. In the present case, the respondents have acted strictly in accordance with the rent agreement stipulations by issuing a pre-eviction notice dated 25.06.2026, thereby fully complying with the agreed procedure. The contention that due process has not been followed is, therefore, wholly untenable. The necessity for eviction has arisen on account of compelling public safety considerations. Upon receiving complaints regarding the deteriorated condition of the commercial complex, the competent authority sought a technical inspection from the Public Works Department. The PWD, after inspection, reported that the building is in a highly dilapidated and unsafe condition, posing a serious risk to the occupants and the general public. In view of the expert opinion, the respondents had no option but to initiate eviction proceedings so that demolition and necessary reconstruction could be undertaken. The decision is thus founded upon expert assessment and larger public interest and cannot be termed arbitrary or mala fide. The petitioners cannot claim any vested or preferential right to rehabilitation, alternate accommodation, or re-allotment of shops. Their occupation is purely contractual and subject to the conditions of the allotment. Upon termination of the agreement, they have no enforceable legal right to continue in possession or to seek reservation of any future allotment. If and when new shops are constructed, allotment shall be made in accordance with the applicable policy, rules, and a transparent selection process open to all eligible applicants. Any claim of preferential

treatment by the petitioners is contrary to law and would itself violate the principles of equality. The plea that eviction during the rainy season would cause hardship is equally without substance. The petitioners were served with the eviction notice on 25.06.2026, granting them the contractually stipulated period of one month to vacate. Instead of complying with the notice, they approached this Court only on 11.07.2026, towards the fag end of the notice period. Having failed to avail themselves of the opportunity provided, the petitioners cannot now seek to prolong their unauthorized occupation on equitable grounds. It is settled law that once the contractual period has expired or the licence/tenancy has been validly terminated in accordance with its terms, the occupant has no legal right to continue in possession. The respondents, being custodians of public property, are under a statutory and constitutional obligation to protect public assets and ensure that unsafe structures do not endanger human life. Interference by this Court at this stage would impede a bona fide administrative decision taken in public interest. In view of the foregoing submissions, it is respectfully prayed that this Court may be pleased to dismiss the writ petitions as being devoid of merit, uphold the validity of the impugned eviction notices, and permit the respondents to proceed with demolition and reconstruction of the building in accordance with law.

10. Having heard learned counsel for the parties and upon perusal of the record, it emerges that the petitioners are occupying their respective shops pursuant to allotment orders/agreements executed by the competent authority on payment of monthly rent. It is not in dispute that the petitioners have been carrying on their respective businesses from the said shops for nearly two

decades or more, and for many of them the shops constitute their principal source of livelihood. It is also borne out from the material placed on record that the commercial complex in which the shops are situated has been reported by the Public Works Department to be in a dilapidated and unsafe condition requiring demolition and reconstruction.

11. There can be no quarrel with the proposition that the petitioners do not possess any vested or indefeasible right to continue in occupation of the shops indefinitely. Equally, however, the State and its instrumentalities, while taking action for eviction in public interest, are expected to act in a manner that is fair, reasonable and consistent with constitutional values. The petitioners have been carrying on their business from the premises for a considerable period of time and their livelihood is directly dependent upon the said establishments. Directing them to vacate the premises during the rainy season, without affording them a reasonable opportunity to make alternative arrangements or to resettle their business, would result in undue hardship.

12. The State, being a welfare State, is expected to balance public interest with the legitimate concerns of citizens whose livelihood is likely to be affected by administrative action. While ensuring public safety by removing occupants from an unsafe structure is undoubtedly a legitimate objective, the authorities cannot ignore the consequences that such action may have upon the livelihood of the petitioners. The record reveals that the petitioners have submitted representations requesting reasonable time and appropriate rehabilitation or alternative arrangements. The said representations deserve due consideration before any coercive action is undertaken.

13. Article 19(1)(g) of the Constitution of India guarantees to every citizen the fundamental right to practise any profession or to carry on any occupation, trade or business, subject to reasonable restrictions imposed in the interest of the general public under Article 19(6). The right to livelihood has also been recognized as an integral facet of the right to life guaranteed under Article 21 of the Constitution. Although the petitioners cannot insist upon continuation of their occupation contrary to law, the procedure adopted for their eviction must be fair, reasonable and non-arbitrary so as to adequately safeguard their constitutional rights.
14. Considering the totality of the circumstances, particularly the long-standing occupation of the petitioners, the fact that their businesses constitute their primary source of livelihood, and the prevailing rainy season, this Court is of the considered opinion that the ends of justice would be adequately served by directing the respondents to reconsider the representation of the petitioners with a hope of alternative arrangements by the petitioners for shifting their respective establishments.
15. Accordingly, Respondent No. 3-Secretary and Sub-Divisional Officer (Revenue), Jila Krindangan Samiti Durg, District Durg C.G. is directed to reconsider the representations submitted by the petitioners for providing alternative arrangements to petitioners for running their shops or to pass appropriate reasoned orders thereon, after affording them an opportunity of hearing, within a reasonable period. The respondents shall also consider providing reasonable assistance, or any other lawful arrangement to facilitate the petitioners in shifting their business establishments. It is further directed that no coercive action for eviction shall be taken against the

petitioners for a period of **four months** from the date of this order. However, it is made clear that, since the shops have been found to be in a dilapidated condition, the petitioners may continue to carry on their business therein for a period of four months at their own risk and cost. In the event of any mishap or untoward incident occurring during this period, the petitioners alone shall be solely responsible for the consequences thereof. The State and its authorities shall bear no liability or responsibility for any such mishap or incident. Upon expiry of the said period, it shall be open to the respondents to proceed in accordance with law.

16. With the aforesaid observations and directions, all the writ petitions stand disposed of.

17. It is made clear that this Court has not expressed any opinion on the merits of the rival claims of the parties. The present order has been passed only with a view to balance the competing public interest of ensuring public safety with the petitioners' need for reasonable time to make alternative arrangements for their livelihood.

Sd/-

**(Amitendra Kishore Prasad)**  
**Judge**

Avinash

| The date when the judgment is reserved | The date when the judgment is pronounced | The date when the judgment is uploaded on the website |            |
|----------------------------------------|------------------------------------------|-------------------------------------------------------|------------|
|                                        |                                          | Operative                                             | Full       |
| 22.07.2026                             | 23.07.2026                               | -----                                                 | 23.07.2026 |