



2026:CGHC:16751



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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 1743 of 2026

- 1** - Vikram Lalwani S/o Mahesh Lalwani Aged About 42 Years R/o Sindhi Colony Ward No. 16, Post- Balod, District- Balod (C.G.), Occupation- Siddhi Vinayak Mobile, Ghadi Chowk, In Front Of Karma Complex, Old Bus Stand, Balod, District- Balod (C.G.)
- 2** - Tarun Badatiya S/o Late Bhaskar Chand Aged About 46 Years R/o Lohara Road, Near Sanjeevni Hospital, Balod, District- Balod (C.G.), Occupation- Betal Shop, Ghadi Chowk, In Front Of Karma Complex, Old Bus Stand, Balod, District- Balod (C.G.)
- 3** - Narendra Bajaj S/o Late Bharumal Bajaj Aged About 42 Years R/o Shikaripara, Balod, District- Balod (C.G.), Occupation- Electrical Shop, Old Bus Stand, Balod, District- Balod (C.G.)
- 4** - Akram Tigala S/o Gulab Tigala Aged About 59 Years R/o Ward No. 9, Nandgaon Road, Balod, District- Balod (C.G.), Occupation- Shoe Shop, Ghadi Chowk, In Front Of Karma Complex, Old Bus Stand, Balod, District- Balod (C.G.)
- 5** - Deepak Chandani S/o Bhadumal Chandani Aged About 38 Years R/o Ward No. 9, Kurmipara, Balod, District- Balod (C.G.), Occupation- Shankar Stores, Old Bus Stand, Balod, District- Balod (C.G.)
- 6** - Pankaj Ahuja S/o Late Radheshyam Ahuja Aged About 42 Years R/o Sindhi Colony Ward No. 16, Balod, District- Balod (C.G.), Occupation- Ahuja Men's Wear, Old Bus Stand, Balod, District- Balod (C.G.)
- 7** - Rajkumar Gupta S/o Late Badri Prasad Gupta Aged About 61 Years R/o Ward No. 4, Tikrapara, Balod, District- Balod (C.G.), Occupation- Amit Steels, Old Bus Stand, Balod, District- Balod (C.G.)



- 8** - Krishna Sahu S/o Sadhram Sahu Aged About 34 Years R/o Ward No. 3, Nayapara, Balod, District- Balod (C.G.), Occupation- Mahamaya Vastralaya, Old Bus Stand, Balod, District- Balod (C.G.)
- 9** - Karan Bajaj S/o Nandlal Bajaj Aged About 26 Years R/o Ward No. 08, Mararpara, Near Ganesh Mandir, Balod, District- Balod (C.G.), Occupation- Bajaj Electrical Shop, Old Bus Stand, Balod, District- Balod (C.G.)
- 10** - Nandlal Bajaj S/o Late Bharumal Bajaj Aged About 52 Years R/o Ward No. 8, Mararpara, Near Ganesh Mandir, Balod, District- Balod (C.G.), Occupation- Bajaj Electrical Shop, Old Bus Stand, Balod, District- Balod (C.G.)
- 11** - Mukesh Dubey S/o Sauda Dubey Aged About 45 Years R/o Ward No. 9, Kurmi Para, Balod, District- Balod (C.G.)
- 12** - Rajesh Kaushik S/o Late Madholal Kaushik Aged About 52 Years R/o Kurmipara, Balod, District- Balod (C.G.)
- 13** - Saiyyad Raja Ali S/o Late Mustak Ali Aged About 52 Years R/o Maraspara, Balod, District- Balod (C.G.)
- 14** - Punit Lalwani S/o Suresh Selwani Aged About 35 Years R/o Ward No. 16, Sindhi Colony, Old Bus Stand, Balod, District- Balod (C.G.)
- 15** - Santlal Dewangan S/o Thanuram Dewangan Aged About 50 Years Balod, District- Balod (C.G.)
- 16** - Resuram S/o Parasram Sahu Aged About 55 Years R/o Sahu Jalebi Bhandar, Balod, District- Balod (C.G.)
- 17** - Harish Sahu S/o Mahesh Sahu Aged About 30 Years Dev Ganna Juice Centre, Ama Para, Balod, District- Balod (C.G.)
- 18** - Dhiraj Dewangan S/o Santlal Dewangan Aged About 26 Years R/o Dhiraj Photo Frame, Balod, District- Balod (C.G.)
- 19** - Ramesh Malekar S/o Late Ram Kumar Malekar Aged About 28 Years R/o Jawahar Para, Ward No. 7, Sunil Footwear, Balod, District- Balod (C.G.)
- 20** - Poshan Malekar S/o Ramesh Malekar Aged About 28 Years R/o Sunil Foot Wear, Balod, District- Balod (C.G.)



21 - Nand Kumar Dubey S/o Late Ghanshyam Dubey Aged About 45 Years Kurmi Para, Ward No. 9, Balod, District- Balod (C.G.)

22 - Gauri Shankar Dubey S/o Late Ghanshyam Dubey Aged About 45 Years Kurmi Para, Balod, District- Balod (C.G.)

23 - Sagar Selwani S/o Ashok Selwani Aged About 29 Years Ward No. 16, Sindhi Colony, Old Bus Stand, Balod, District- Balod (C.G.)

... Petitioners

versus

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

2 - Collector Balod, District- Balod, (C.G.)

3 - Sub-Divisional Officer, Balod District- Balod (C.G.)

4 - Tahsildar Tahsil- Balod, District- Balod, (C.G.)

5 - Chief Municipal Officer Municipal Council, Balod, District- Balod, (C.G.)

... Respondents

(Cause-title taken from Case Information System)

For Petitioner	:	Mr. Mayank Chandrakar, Advocate
For State	:	Mr. Sabyasachi Choubey, Govt. Advocate

Hon'ble Shri Amitendra Kishore Prasad, Judge

Order on Board

10.04.2026

1. This matter has been listed in default.
2. However, considering the nature of the dispute involved, this Court proceeds to hear the matter finally; accordingly, the defects pointed out by the Registry are waived.
3. By way of the instant writ petition, the petitioners are assailing the impugned removal notice dated 08.04.2026 issued by respondent



No. 5, i.e., the Chief Municipal Officer, Municipal Council, Balod.

By the said notice, it has been alleged that within the municipal limits of Balod, particularly on Sadar Road, the petitioners have made encroachments over public land in the nature of shop/house/tin shed/platform (chabutra)/stairs/projection (chhajja) and by placing goods beyond permissible limits, thereby causing obstruction and inconvenience to the general public in free movement.

4. Vide the impugned notice, the petitioners have been directed to remove the aforesaid encroachment within a period of three days from the date of receipt of the notice, failing which it has been stated that the Municipal Body, along with the District Administration and Traffic Department, shall proceed to remove the encroachment, and the petitioners shall be solely responsible for any loss or damage incurred during such removal action.
5. Being aggrieved by the aforesaid action, the petitioners have preferred the present writ petition calling in question the legality, validity and propriety of the impugned removal notice dated 08.04.2026. The petitioners have filed this writ petition with the following relief(s):-

“10.1 That, this Hon'ble Court may kindly be pleased to issue a writ in the nature of mandathus quashing/setting aside the impugned removal notices dated 08.04.2026



issued by the respondent No. 5 (Annexure P-1).

10.2 That, this Hon'ble Court may kindly be pleased to issue a writ in the nature of mandamus directing the respondents not to remove the petitioners' shops/structures or not to take any coercive action for removal of the alleged encroachments without first affording the petitioners a proper opportunity of hearing and following due process of law as per the Chhattisgarh Municipalities Act, 1961. and the guidelines of the Hon'ble Supreme Court.

10.3 That, any appropriate writ, direction of order may also kindly be passed in favour of the petitioners, which this Hon'ble Court deems fit in the circumstances of the case."

6. Brief facts of the case are that the petitioners are small shopkeepers who have been in peaceful possession of their respective shops situated near Old Bus Stand, Balod, District Balod (C.G.), for the last 40–50 years, and have been carrying on their business activities therefrom for the purpose of earning their livelihood. Their possession and business activities have continued uninterrupted and with the knowledge and tacit consent of the Municipal Council, Balod. The petitioners have been regularly paying property tax to the Municipal Council, Balod, and are also paying electricity charges for their establishments. The authorities have at no point raised any objection to their occupation or use of the premises, and the petitioners have been



functioning peacefully. All of a sudden, on 08.04.2026, the respondent No. 5/Chief Municipal Officer, Municipal Council, Balod issued identical impugned notices alleging that the petitioners have encroached upon land on Sadar Road by way of shop/house/tin shed/platform (chabutra)/stairs/projection (chhajja) and by placing goods outside, thereby causing inconvenience to the general public. By the said notices, the petitioners have been directed to remove the alleged encroachment within a period of three days, failing which coercive action has been threatened. The impugned notices have been issued without any prior show-cause notice or opportunity of hearing, and without specifying the exact nature or extent of the alleged encroachment attributable to each petitioner. The extremely short period of three days granted for removal of long-standing structures is wholly arbitrary, unreasonable and violative of the principles of natural justice.

7. Being aggrieved by the arbitrary and illegal action of the respondents, which is violative of Articles 14, 19(1)(g) and 21 of the Constitution of India as well as the due process contemplated under the applicable municipal laws, the petitioners have approached this Court by way of the present writ petition challenging the impugned notices dated 08.04.2026.
8. Learned counsel for the petitioners submits that the impugned removal notices dated 08.04.2026 are wholly illegal, arbitrary and contrary to law, and are liable to be quashed and set aside by this



Court. It is contended that the impugned action is not only violative of the settled principles of law but also suffers from manifest arbitrariness, thereby infringing the fundamental rights of the petitioners guaranteed under the Constitution of India. It is further submitted that the impugned notices have been issued without any prior show-cause notice or affording any opportunity of hearing to the petitioners, which is in gross violation of the principles of natural justice. The petitioners were neither put to notice regarding the alleged encroachment nor given an opportunity to explain their long-standing possession or to produce relevant documents, including proof of payment of property tax and electricity dues. Such action, taken in a summary and unilateral manner, is unsustainable in the eyes of law.

9. Learned counsel also submits that the impugned notices are vague, non-speaking and bereft of material particulars, inasmuch as they do not disclose the exact location, survey number, holding details, or the specific extent of alleged encroachment attributable to each petitioner. In the absence of such essential details, the petitioners are left without any meaningful opportunity to respond or comply, rendering the notices arbitrary and unenforceable. It is further contended that the petitioners have been in continuous, peaceful and uninterrupted possession of their respective shops for the last 40–50 years with the full knowledge and tacit acceptance of the respondent authorities, who have been regularly collecting property tax and electricity charges from them.



Such long-standing conduct of the authorities gives rise to a legitimate expectation in favour of the petitioners, and the respondents are estopped from taking sudden coercive action without following due process of law.

10. Learned counsel further submits that the period of three days granted in the impugned notices for removal of long-standing structures is ex facie unreasonable, arbitrary and violative of Article 14 of the Constitution of India. It is submitted that the Hon'ble Supreme Court has consistently held that reasonable notice and opportunity of hearing must be afforded before undertaking demolition or removal actions, and ordinarily sufficient time is required to be granted, except in exceptional circumstances, which are absent in the present case. It is also submitted that the impugned action is violative of Articles 14, 19(1)(g) and 21 of the Constitution of India, as the petitioners' right to livelihood and to carry on their trade is sought to be taken away without authority of law and without following due procedure. The respondents have failed to adhere to the mandatory provisions of the Chhattisgarh Municipalities Act, 1961 governing removal of encroachments, thereby rendering the entire action without jurisdiction and illegal.
11. Learned counsel further places reliance upon the order passed by this Court in ***Anil Vishwakarma Vs. State of Chhattisgarh (WPC No. 1091/2022 order dated 24.02.2022)***, wherein in similar



circumstances, this Court was grant interim protection by directing the respondents not to take coercive steps for demolition. It is submitted that the present case stands on similar footing and deserves identical protection.

- 12.** Lastly, it is submitted that the Municipal Council, Balod, District Balod has issued the impugned notice dated 08.04.2026 directing the petitioner to remove the alleged encroachment said to have been made by him. It is contended that when the said notice was sought to be served upon the petitioner, he expressed his inability to accept the same on the ground that only a period of three days had been granted for removal of the alleged encroachment, which was wholly unreasonable. Thereafter, the notice was affixed at the premises of the petitioner, and being aggrieved by such arbitrary action, the petitioner has approached this Court challenging the said notice.
- 13.** Considering the facts and circumstances of the case, particularly the fact that the impugned notice dated 08.04.2026 grants only a period of three days for removal of the alleged encroachment, which prima facie appears to be insufficient and not in consonance with the principles of natural justice, this Court is of the considered view that the ends of justice would be met if an opportunity is granted to the petitioner to submit his reply/objection before the competent authority.



- 14.** Accordingly, while disposing of the present petition, the petitioner is directed to file a detailed reply/objection to the impugned notice dated 08.04.2026 along with all relevant documents in support of his claim within a period of 07 days from today before the competent authority.
- 15.** Upon receipt of such reply, the concerned authority, i.e., the Chief Municipal Officer, Municipal Council, Balod, shall consider and decide the same strictly in accordance with law, after affording due opportunity of hearing to the petitioner and after taking into consideration the documents placed on record, by passing a reasoned and speaking order.
- 16.** It is further directed that till the decision on the reply/objection filed by the petitioner, no coercive steps shall be taken by the respondents against the petitioner, including removal of the alleged encroachment, demolition of the structure, or seizure/removal of any articles belonging to the petitioner from the subject premises.
- 17.** The petitioner is directed to forthwith communicate a copy of this order to the respondent authorities, particularly to the Chief Municipal Officer, Municipal Council, Balod, District Balod (C.G.), for necessary compliance.
- 18.** It is made clear that this Court has not expressed any opinion on the merits of the case, and the authority shall decide the matter independently in accordance with law.



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19. With the aforesaid observations and directions, the present writ petition stands disposed of.

Sd/-

(Amitendra Kishore Prasad)
Judge

Yogesh