



2026:CGHC:25508

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 2973 of 2026

1 - Mohan Kashyap S/o Late Sukhram Kashyap Aged About 65 Years
R/o Purani Basti, Lingyadih, Bilaspur 495006, Chhattisgarh.

... **Petitioner(s)**

versus

1 - State Of Chhattisgarh Through Secretary, Urban Administration And
Development, Mahanadi Bhawan, Naya Raipur, Distt. Raipur,
Chhattisgarh.

2 - Municipal Corporation Bilaspur Through Commissioner, Distt.
Bilaspur, Chhattisgarh.

3 - The Building Officer Municipal Corporation, Bilaspur, Distt. Bilaspur,
Chhattisgarh.

... **Respondent(s)**

(Cause Title is taken from CIS System)

For Petitioner : Mr. Humanyu Kabeer, Advocate

For State : Mr. Abhishek Gupta, P.L.

For Respondents No. 2: Mr. Pankaj Agrawal, Advocate
& 3

Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

22.06.2026

1. By way of the present petition, the petitioner seeks to challenge the action of the Municipal Corporation, Bilaspur, whereby the petitioner's house structure has been demolished pursuant to notices dated 05.01.2026 and 23.03.2026 purportedly issued under Section 302 of the Municipal Corporation Act, 1956.
2. The facts of the case, in brief, are that the Municipal Corporation, Bilaspur issued notice dated 05.01.2026 to the petitioner alleging that illegal construction was being carried out on the subject property and directing the petitioner to stop the said construction forthwith, submit a reply, and produce relevant documents including title documents, sanctioned site plan and property tax receipts before the competent authority. The petitioner submitted his reply dated 07.01.2026 admitting that construction had been undertaken without sanctioned site plan, however, stated that steps had been initiated for regularization and that there existed a civil dispute regarding the said property pending before the Court of Civil Judge, Senior Division, Bilaspur, and consequently mutation proceedings had not been finalized. It is further submitted that thereafter, the respondent Corporation issued another notice dated 23.03.2026 under Section 302 of the Act calling upon the petitioner to submit reply along with geo-tagged photographs of the alleged irregular construction, to which the petitioner submitted his reply dated 01.04.2026 stating that no further construction had been carried out after the earlier notice. However, without following due process of law and without

granting proper opportunity of hearing, the respondent authorities proceeded to demolish the petitioner's house structure on 31.05.2026.

3. Following reliefs have been prayed in this petition:-

“(i) This Hon'ble Court may be kind enough to issue a writ in the nature of Mandamus or suitable direction to the respondent authorities to provide an opportunity for filing a fresh application for regularization/compounding of unauthorized construction.

(ii) This Hon'ble Court may be kind enough to issue a writ in the nature of Prohibition or suitable direction to the respondent, authorities to restrict the proceeding of further illegal demolition conducted by the Respondent Authorities.

(iii) This Hon'ble Court may be kind enough to issue a writ in the nature of Prohibition or suitable direction to the respondent authorities to restrict the proceeding of further demolition under the Municipal Corporation Act, 1956, conducted by the Respondent Authorities.

(iv) This Hon'ble Court may be kind enough to direct the respondents to pay damages to the petitioner in lieu of the illegal-demolition conducted by the respondent authorities.

(v) This Hon'ble Court may be pleased to pass any other order(s) as it deems fit, in the interest of justice.”

4. Learned counsel for the petitioner submits that partial demolition of the petitioner's structure has already been carried out on 31.05.2026 by the respondent Municipal Corporation, Bilaspur, and thereafter the authorities are now proposing to demolish the entire remaining structure on the allegation of alleged unauthorized construction and apprehension of further demolition action. It is submitted that apprehending complete demolition of the remaining portion of the building without following due process of law, the petitioner has approached this Court seeking appropriate protection and intervention in the matter.
5. Learned counsel for the respondent Municipal Corporation submits that a notice under Section 302 of the Municipal Corporation Act, 1956 was duly issued to the petitioner, which was not complied with by him, and therefore, the action of demolition was carried out in accordance with law. It is further submitted that if the petitioner is aggrieved by the said action, an efficacious statutory remedy of appeal under Section 403 of the Municipal Corporation Act is available to him, and in view of the alternative remedy provided under the statute, no interference may be warranted by this Court in the present petition.
6. Having heard learned counsel for the parties and having considered the material available on record, this Court is of the view that the petitioner may avail the statutory remedy of appeal under Section 403 of the Municipal Corporation Act, 1956 by

approaching the competent authority in accordance with law. Accordingly, the petitioner is directed to file the appropriate appeal before the concerned authority within the prescribed time, if so advised.

7. It is further directed that in the event any further demolition or coercive action is contemplated in respect of the petitioner's property, the respondent Municipal Corporation shall ensure compliance of due process of law and shall issue prior notice of at least 7 days to the petitioner before taking any coercive action.
8. With the aforesaid observations and directions, the petition stands **disposed of.**

sd/-

**(Amitendra Kishore Prasad)
Judge**

Vishakha