



CGHC010379622026



2026:CGHC:43832-DB

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WA No. 969 of 2026**

Rajesh Pujari S/o Shri Bulakilal Pujari Aged About 63 Years R/o Pujari Niwas, M.G. Road, Raipur, Distt. Raipur, Chhattisgarh.

... Appellant**versus**

- 1** - State Of Chhattisgarh Through Secretary, Department Of Urban Administration And Development Mahanadi Bhawan Naya Raipur, Distt. Raipur, Chhattisgarh.
- 2** - State Of Chhattisgarh Through Special Secretary Department Of Housing And Environment Mahanadi Bhawan Naya Raipur, Distt. Raipur, Chhattisgarh.
- 3** - Directorate To Town And Country Planning, Chhattisgarh, Naya Raipur, Atal Nagar, Distt. Raipur, Chhattisgarh.
- 4** - Town And Country Planning Raipur Through Its Joint Director, Raipur, Distt. Raipur, Chhattisgarh.
- 5** - Durga Pujari D/o Shri Bulakilal Pujari R/o Pujari Niwas, M.G. Road, Raipur, Distt. Raipur, Chhattisgarh.
- 6** - Santosh Pujari S/o Shri Bulakilal Pujari R/o Pujari Niwas, M.G. Road, Raipur, Distt. Raipur, Chhattisgarh.
- 7** - Uma Pujari D/o Shri Bulakilal Pujari R/o Sundar Nagar, Near Sai Mandir, Raipur, Distt. Raipur, Chhattisgarh.
- 8** - Ravindra Prakash Pujari S/o Shri Bulakilal Pujari R/o Sundar Nagar, Near Sai Mandir, Raipur, Distt. Raipur, Chhattisgarh.
- 9** - Chandrababha Gour D/o Shri Bulakilal Pujari R/o Sundar Nagar, Near Sai Mandir, Raipur, Distt. Raipur, Chhattisgarh.
- 10** - Sushma Pujari W/o Shri Ashok Pujari R/o Pujari Niwas M.G. Road, Raipur, Distt. Raipur, Chhattisgarh.
- 11** - Karan Pujari S/o Shri Ashok Pujari R/o Pujari Niwas, M.G. Road, Raipur, Distt. Raipur, Chhattisgarh.
- 12** - Namrata Pujari D/o Shri Ashok Pujari R/o Pujari Niwas, M.G. Road, Raipur, Distt. Raipur, Chhattisgarh.

13 - Manish Pujari S/o Late Dr. Mahendra Prakash Pujari Aged About 55 Years R/o Pujari Niwas, M.G. Road, Raipur, Distt. Raipur, Chhattisgarh.

... Respondents

For Appellant	:	Mr. Manoj Paranjpe, Sr. Advocate with Mr. Kabeer Kalwani, Advocate
For Respondents 1 to 4/State	:	Mr. Rahul Tamaskar, Govt. Advocate
For Respondent No.13	:	Mr. Surfaraj Khan, Advocate

Hon’ble Mr. Krushna Ram Mohapatra, Chief Justice

Hon’ble Mr. Santosh Sharma, Judge

Order on Board

Per : Krushna Ram Mohapatra, Chief Justice

09.10.2026

1. The covering memo, along with documents filed by learned counsel for respondent No.13 is received from the Registry and is taken on record.
2. The appellant in this writ appeal, seeks to assail the Order dated 15.09.2026 passed by learned Single Judge in WPC No.4624/2026, whereby the learned Single Judge while disposing of the writ petition, made following observations in para 6 & 7, which read thus:-

“6. Considering the limited prayer made by the petitioner with regard to the application filed under Section 74 of the C.G. Town and Country Planning Act, 1973, this Court deems it appropriate to direct the respondent authorities to consider and decide the said application in accordance with law, after giving prior notice to all the affected persons, including respondent No. 6, and thereafter to decide the matter. It is made clear that this Court has not expressed any opinion either on the merits of the case or on the maintainability of the application. The authorities concerned shall be at liberty to pass an appropriate order with regard to the maintainability as well as the merits of the case, strictly in accordance with law.

7. The aforesaid exercise shall be completed within a

period of 90 days from the date of receipt of a copy of this order.”

3. Mr. Paranjpe, learned Sr. counsel appearing for the appellants, submits that no case at all has been made out to prefer an appeal under Section 74 of the Chhattisgarh Town and Country Planning Act, 1973 (for brevity ‘the Act’). Thus, no appeal would have been maintainable under Section 74 of the Act 1973, and the appeal might have been maintainable under Section 31 of the Act 1973, which has certain restrictions, more particularly, that it would have been filed within 30 days from the date of communication of the order of granting permission under Section 30(3) of the Act. He further submits that in this case, the permission for development was granted on 06.07.2000 and 09.10.2000, the project has already been completed and no objection was raised at any point of time. The writ petition (Annexure-A/6) filed by the original petitioner – Manish Pujari along with others, seeking a direction to the Deputy Director, Town and Country Planning, Regional Officer, Raipur to decide the application filed by the petitioner, challenging the grant of permission, was dismissed as not maintainable on the grounds of delay and laches and availability of an alternative remedy with regard to seeking partition in common law forum. The said order was never challenged and has attained finality. Learned Sr. counsel further submits that without resorting to the liberty granted by this Court in the said order, the writ petitioner (respondent No.13), in order to make out a case to file an appeal under Section 74 of the Act, moved this Court in WPC No.4624/2026 and order passed in which, is impugned herein. It is submitted that in the meantime, the appeal under Section 74 of the Act has already been filed and the preliminary

objection by the appellant has already been filed with regard to maintainability of the appeal. Mr. Paranjpe, learned Sr. counsel, however, submits that, since an appeal under Section 74 of the Act is not at all maintainable, observation of this Court at para 6 (supra) to consider the appeal on its own merit, may influence the appellate authority. He, therefore, submits that it is a fit case for interference with the impugned order.

4. Learned counsel for respondent No.13, without disputing the factual position narrated by Mr. Paranjpe, learned Sr. Advocate, submits that dismissal of the earlier writ petition filed by Manish Pujari and others has been stated in the memorandum of appeal filed under Section 74 of the Act. He further submits that the objection filed by the appellant on maintainability of the appeal has already been rejected.
5. The submission with regard to dismissal of the objection is of course objected by Mr. Paranjpe, learned Sr. counsel upon receiving instruction from the appellant. Learned Sr. counsel submits that the objection with regard to maintainability of the appeal under Section 74 of the Act is still pending for consideration.
6. In view of the submission made by learned counsel for the parties, this Court feels that since an appeal has already been filed and the objection with regard to its maintainability is stated to be pending before the authority for consideration, it would not be appropriate to interfere with the impugned order at this stage, more particularly, when the parties have remedy before the appellate authority. Further, on perusal of the impugned order, it is apparent that the learned Single Judge has not expressed any opinion on the submissions made on the merits and maintainability of the appeal, raised by either of the parties.

It is made open to the appellate authority to consider the same and pass appropriate order on its own merits without being influenced by any observation, if any, on the merits of the case in the impugned order.

7. It is expected that the appellate authority shall do well to consider the appeal strictly in accordance with law, giving opportunity of hearing to the parties concerned and make an endeavour for early disposal of the same.
8. With aforesaid observation, the writ appeal stands disposed of.

Sd/-
(Santosh Sharma)
Judge

Sd/-
(Krushna Ram Mohapatra)
Chief Justice