

(3)

6

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (C) NO. 339/2015

PETITIONER

Zaki Ahmed, S/o Late Abdul Salam, aged about 52 years, R/o Baijnathpara, Near Evergreen Chowk, Sirat Maidan Road, Mohd. Abdul Rauf Ward No.41, District-Raipur (C.G.)

W.P.C. - 339/15
Taken No. 3867/15
Presented by Mr. Kishore Prasad
Dated 23/2/15

VERSUS

RESPONDENTS

1. Municipal Corporation, Raipur through Commissioner, Municipal Corporation, Raipur, District-Raipur (C.G.)
2. Zone Commissioner, Zone No.7, Municipal Corporation, Raipur, Jaistambh Chowk, In Front of Post office, Old Head office, Malviya Road, Raipur (C.G.)
3. Abdul Abrar, Shiv Mandir Street, Maudahapara, District-Raipur (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA



**HIGH COURT OF CHHATTISGARH : BILASPUR****W.P.(C) No.339 of 2015****PETITIONER**

Zaki Ahmed

Versus

RESPONDENTS

Municipal Corporation and others

Single Bench : Hon'ble Shri Justice Prashant Kumar Mishra

Present :- Shri Chandresh Shrivastava, Advocate for the petitioner.
Shri H.B. Agrawal, Sr. Advocate with Ms. Preeti Yadav, Advocate
for the respondents.

ORAL ORDER**(Passed on this 26th Day of February, 2015)**

Heard learned counsel for the parties.

1. Learned counsel for the petitioner would submit that the respondent Corporation issued the notices under Sections 293 & 302 of the Chhattisgarh Municipal Corporation Act, 1956 (for short, the Act, 1956') on 26.04.2013; under Section 307 (2) of the Act, 1956 on 06.06.2013 and under Section 307 (3) on 03.07.2013, to which the petitioner submitted reply, but without giving any opportunity of hearing and passing any orders thereon, the impugned final notice (Annexure-P-1) has been issued threatening the petitioner that if the subject alleged illegal construction is not removed, the same shall be demolished.
2. Shri Agrawal, learned Senior counsel appearing for respondent Corporation, would submit that the petitioner shall be heard and necessary orders, after considering his reply, shall be passed within 15 days. He would submit that demolition shall take place only after hearing the petitioner and passing orders on the reply submitted by him.

3. Considering the above, the writ petition is disposed of in terms of submission made by Shri Agrawal, learned senior Advocate.

Sd/-
Prashant Kumar Mishra
Judge

Kamde