

HIGH COURT OF CHHATTISGARH, BILASPUR
WP C No.19 of 2012

1. Amarnath Sahu, s/o late Shri Mani Ram Sahu, aged about 75 years, Occupation-Business (Bharti Suhaag Bhandar), R/o Main Road Dabhra, Infront of Tehsil Office, Tehsil- Dabhra, District Janjgir-Champa (C.G.)
2. Smt. Ratan Kunwar Sahu, W/o Late Shri Ram Das Sahu, aged about 50 years, Occupation-Business (Mamta Kirana Store), R/o Main Road Dabhra, Infront of Tehsil Office, Tehsil- Dabhra, District Janjgir-Champa (C.G.)

---- Petitioners

Versus

1. State Of Chhattisgarh, through the Secretary, Department of Revenue, D.K.S. Bhawan, Raipur, District Raipur (CG).
2. The Secretary, Urban Administration & Development, D.K.S. Bhawan, Raipur, District Raipur (CG)
3. Collector, Janjgir-Champa, District Janjgir-Champa (CG)
4. Sub-Divisional Officer (Revenue), Dabhra, District Janjgir-Champa (C.G.)
5. Tehsildar, Tehsil Dabhra, District Janjgir-Champa (C.G.)
6. Chief Municipal Officer, Nagar Panchayat Dabhra, District Janjgir-Champa (C.G.)
7. Superintendent of Police, District Janjgir-Champa (C.G.)
8. Station House Officer, Police Station Dabhra, District Janjgir-Champa (C.G.)

---- Respondents

For petitioners:	Shri Sarfaraj Khan, Advocate
For respondent No.1 to 5, 7 & 8:	Shri G. Mukhopadhyaya, Dy. G.A.
For respondent No.6:	Shri Pushkar Sinha, Advocate

SB: Hon'ble Shri Justice Pritinker Diwaker

Order on Board

02.09.2015

1. Challenge in this writ petition is to the notice dated 23.11.2011 (Annexure P-1) issued by respondent No.6 thereby directing the petitioners to remove their structures standing over the land bearing Khasra No.922 situated at Dabhra, District Janjgir-Champa as the same have been constructed in an illegal manner.
2. On objection being raised by learned counsel for the respondents regarding maintainability of writ petition, learned counsel for the petitioners fairly admits that there exists an alternative remedy of filing appeal before the appellate committee as provided under Section 307 of the Chhattisgarh Municipalities Act, 1961 and therefore this petition may be disposed off granting liberty to the

petitioners to file an appeal before the appellate committee. However, he prays that interim order dated 9.1.2012 passed in favour of the petitioners may remain in force till final disposal of appeal by the appellate committee.

3. Learned counsel appearing on behalf of the respondents submit that they have no objection if the writ petition is disposed off in the above term, but their only prayer is that a time limit for disposal of such appeal by the appellate committee may be fixed.
4. Considering the facts & circumstances of case, this petition is disposed off granting liberty to the petitioners to file an appeal before the appellate committee, as provided under Section 307 of the Chhattisgarh Municipalities Act, 1961, within a period of three weeks from today. In case such an appeal is filed by the petitioners within the aforesaid period, the appellate committee would decide the same within a period of 45 days from the date of filing of such appeal. Status quo, as exists today, in respect of shops of the petitioners shall be maintained for a further period of three months from today or till passing of final order by the appellate committee, whichever is earlier. It is made clear that this Court has observed nothing on the merit of the case and it would be for the appellate committee to decide the appeal of the petitioners in accordance with law.

Sd/-
(Pritinker Diwaker)
Judge