

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1767 of 2015

- Alok Dubey S/o Late Shri T. N. Dubey, Aged About 50 Years
Councilor Nagar Palik Nigam, Ambikapur, R/o Shivayan Villa,
Pratrappur Naka, P.S. Gandhinagar, Ambikapur, Revenue And Civil
District Surguja, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through: Secretary, Urban Development
Department, Mahanadi Bhawan, New Mantralaya, District Raipur,
(Chhattisgarh)
2. The Commissioner, Urban Development Department, Mahanadi
Bhawan, New Mantralaya, District Raipur, (Chhattisgarh)
3. The Joint Director, Town And Country Planning, Ambikapur,
District Surguja, (Chhattisgarh)
4. The Collector, Ambikapur, District Surguja, (Chhattisgarh)
5. The Commissioner, Municipal Corporation, Ambikapur, District
Surguja, (Chhattisgarh)
6. Krishna Nand Singh, S/o Rajendra Bahadur Singh, Aged About 36
Years Occupation Colonizer, R/o Kedarpur, Ambikapur, District
Surguja, (Chhattisgarh)

---- Respondent

For Petitioner	Mr. Sunil Tripathi, Advocate
For Respondent /State	Mr. P.K. Bhaduri, Government Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

19/11/2015

Heard finally with the counsel of learned counsel for the parties.

(2) Learned counsel for the petitioner would submit that respondent

No.6 Krishna Nand Singh, Builder/Colonizer has constructed a building/colony in contravention of the relevant provisions of Municipal Corporation Act and the Town and Country Planning Act. He would submit that despite there being an adverse report against respondent No.6, the concerned authorities are not taking any action. He draws attention of this Court towards the orders passed in W.P.(C) No.5101 of 2008 and W.P(C) No.1048 of 2012, wherein, this Court has refused to interfere and pass an order in favour of respondent No.6. It is further submitted that an enquiry report was also submitted against respondent No. 6 yet no action is taken and the petitioner's representation has fallen in deaf ears.

(3) Considering the entire facts' situation of the case and particularly for the reason that the State Government has already issued a communication to the Commissioner, Municipal Corporation, Ambikapur on 04.07.2012 (Annexure P/1) for taking action for demolition of the illegal construction raised by respondent No.6, the writ petition is disposed of with a direction to respondent No.4, the Collector, Ambikapur, to take necessary action in the matter and duly instruct respondent No.5 the Commissioner, Municipal Corporation, Ambikapur to follow and execute the order passed by the State Government vide Annexure P/1.

(4) The writ petition stands finally disposed of.

Sd/-

Judge

(Prashant Kumar Mishra)