

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2080 of 2015

- Dr. Palak Gawri W/o Shri Upendra Gawri, Aged About 50 Years R/o Gawri Test Tube Baby Centre, Mandi Marg, Rajeev Gandhi Ward, Raipur, District Raipur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Town & Country Planning Department, Mahandi Bhavan, Naya Raipur District Raipur Chhattisgarh
2. Commissioner, Municipal Corporation, Raipur Chhattisgarh
3. Zone Commissioner, Zone No. 2, Municipal Commissioner, Raipur Chhattisgarh
4. Director, Directorate Of Town & Country Planning, Raipur Chhattisgarh

---- Respondents

For Petitioner	Ms. Smita Jha, Advocate
For Respondent/State	Shri S. Majid Ali, PL
For Respondent Nos.2 & 3	Shri Kashif Shakeel, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board By

30/11/2015

1. With the consent of the learned counsel for the parties, the matter is heard finally.
2. In this petition under Article 226 of the Constitution of India, the petitioner has prayed for quashment of the notice (Annexure-P-1), whereby she has been directed by the Municipal Corporation, Raipur to remove the illegal/unauthorized construction.

3. It is the stand of the petitioner that the respondent Corporation has undertaken the exercise of widening-up of road much more than what is prescribed under the master plan. The subject construction has been made by the petitioner on her own land and there is no encroachment on any government land.
4. Shri Kashif Shakeel, learned counsel appearing for the respondent Nos.2 & 3 on advance copy, would submit that from the impugned notice, it appears that the petitioner has raised construction contrary to the building plan. He would submit that if the petitioner makes a detailed representation to the Municipal Corporation, Raipur, the same shall be dealt with in accordance with law and till the representation is considered and decided, the Corporation shall not demolish the structure.
5. In view of the above statement by the counsel for Municipal Corporation, the writ petition is disposed of with a direction that in the event, the petitioner prefers a detailed representation along with supporting documents before the Municipal Corporation, Raipur within a period of 10 days from today, the said Corporation shall consider and decide the representation objectively by a speaking order, at the earliest, preferably within a period of 3 weeks thereafter.
6. For a period of 6 weeks from today, the subject construction shall not be demolished. Needless to say, in the event, any adverse order is passed, the petitioner would be at liberty to move afresh before this Court.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA