

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 510 of 2015**

- Satish Kumar Agrawal S/o Ganesh Prasad Agrawal Aged about 35 years
R/o Ward No.3, Jagdishpur Road, Thana & Tahsil Basna District
Mahasamund Chhattisgarh

---- **Petitioner****Versus**

1. State of Chhattisgarh Through Secretary Department of Urban
Administration Mantralaya Naya Raipur, CG.
2. Collector, Mahasamund, District Mahasamund Chhattisgarh
3. Sub Divisional Magistrate Sub-Division-Saraipali, Distt. Mahasamund,
Chhattisgarh
4. Chief Municipal Officer Nagar Panchayat Basna Distt. Mahasamund
Chhattisgarh

---- **Respondents**

For Petitioner	:	Shri Kishore Narayan, Advocate
For Respondent/State	:	Shri A.Surana, Dy. GA

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****25/03/2015**

1. The petitioner is resident of Mahasamund. He has preferred this writ petition under Article 226 of the Constitution of India challenging the impugned action of demolition of his building by the respondents.

2. Learned counsel for the petitioner would submit that the respondents are proceeding to demolish the building without issuing any show cause notice and without giving any opportunity of hearing.

3. Per contra, learned State counsel, on instructions, would submit that the petitioner is encroacher of Government land. The authorities have undertaken anti encroachment drive in the area and for that members of public were put on notice by issuing a public notice on 18.3.2015, however, the petitioner has not submitted any reply. Therefore, the authorities proceeded to remove encroachment.

4. It appears, the authorities did intend to serve notice on the petitioner, however, they published a public notice instead of issuing any individual notice to the petitioner. Since structure has not yet been demolished and it appears that the authorities wanted to give opportunity of hearing to the encroachers, the writ petition is disposed of with a direction that in the event the petitioner submits his reply within a period of one week from today, the concerned authority shall take decision in the matter at the earliest, not later than 6 weeks from the date of submission of reply. If the petitioner is found to be encroacher, the authorities would be at liberty to proceed in accordance with law.

5. For a period of 8 weeks from today, the subject demolition shall remain stayed.

J U D G E

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