

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1470 of 2015**

Satish Agrawal S/o Dr. Narendra Agrawal Aged About 35 Years R/o Juna Bilaspur,
Tehsil And District Bilaspur, (Chhattisgarh)

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

Municipal Corporation Bilaspur Through Commissioner, Municipal Corporation,
Bilaspur, (Chhattisgarh)

---- **Respondent**

Shri Sanjay S.Agrawal, counsel for the petitioner/s.
Shri A.S.Kachhawaha, counsel for the respondent.

Order On Board**21/08/2015**

Heard.

In view of the nature of dispute, this petition, at this stage is required to be disposed off.

2. Learned counsel for the petitioner submits that the petitioner is granted lease of shop No.5 vide lease deed dated 18/07/02 (Annexure P/1). The respondent / Corporation has issued notice alleging that the petitioner has constructed shop on a land situated in khasra No.488 which is part of the public street. The petitioner has submitted necessary documents of lease deed but no proper enquiry has been made and again notice has been issued to the petitioner on 22/06/15 requiring him to produce documents to satisfy whether the petitioner has any authority to possess land situated in khasra No.488.

3. Learned counsel for the Corporation, on the other hand, submits that the two letters dated 31/05/15 (Annexure P/5) and 22/06/15 (Annexure P/6) are self explanatory. According to the respondent, the petitioner has constructed shop on khasra No.488 and the petitioner failed to produce documents in that regard till date. He submits that the petitioner has been granted opportunity vide letter dated

22/06/15 (Annexure P/6).

4. What emerges from the material on record is that though the petitioner claims to have constructed shop on the leased premise, according to the respondent, the shop of the petitioner has been extended over public place situated in khasra No.488..

5. The dispute is of factual nature. This would require actual measurement and demarcation to be made at the spot. In order to institute fairness in the proceedings, it would be expedient to carry out spot inspection and demarcation after due notice to the petitioner. The action of the respondent would depend upon the outcome of demarcation report. If it is to the prejudice of the petitioner, the petitioner would be at liberty to take recourse to remedy as may be available to him under the law.

6. It goes without saying that till demarcation is done as directed above, the Corporation shall not take any coercive steps against the petitioner.

7. The petition is accordingly finally disposed off.

Sd/-

Manindra Mohan Shrivastava
Judge