

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2164 of 2015**

- Smt. Chukeshwari Sinha W/o Shri Vishnu Sinha, Aged About 43 Years R/o Paragaon Road, Gariyabandh, District Gariyabandh, (Chhattisgarh), Revenue District Gariyabandh (Chhattisgarh)

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

- State Of Chhattisgarh Through The Secretary, Ministry Of Urban Administration And Development, Capital Complex, Mahanadi Bhawan, Naya Raipur, District Raipur, (Chhattisgarh)
- The Municipal Council, Gariyabandh, Through Its Chief Municipal Officer, Municipal Council Gariyabandh, District Gariyabandh (Chhattisgarh)

---- **Respondent**

For Petitioner	:	Shri BP Sharma, Advocate
For Respondent No.1/State:	:	Shri Shashank Thakur, GA for the State
For Respondent No.2	:	Shri Arun Sao, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****04/12/2015**

1. This petition under Article 226 of the Constitution of India has been preferred for a direction to the respondents not to demolish the construction raised by the petitioner on the land belonging to her by treating the same as encroachment or in the alternative to direct them not to remove the petitioner from possession and raise construction without acquiring the land.
2. At the outset, Shri Arun Sao, learned counsel for respondent No.2 Municipal Council, Gariyabandh would submit that the notice Annexure P-2 has been issued to the petitioner requiring her to remove construction or to show

papers concerning her title over the land in question, failing which the council shall proceed to remove encroachment. He would submit that the petitioner has already submitted the papers before the council which are under consideration and no action shall be taken without deciding the matter and after considering petitioner's reply.

3. In view of the above, the writ petition is disposed of with a direction that the municipal council shall objectively consider the reply and documents submitted by the petitioner in response to the notice Annexure P-2 after providing personal hearing to the petitioner. If required, the municipal council shall conduct demarcation of the subject property/area before taking decision in the matter. Let the exercise be completed within a period of one month from today.
4. For a period of one month from today, the subject construction shall not be demolished.

Sd/-

Judge

Prashant Kumar Mishra

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