

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2197 of 2015

- Maheshwar Kumar Sahu S/o Shri Devnath Sahu, Aged About 36 Years Caste Kurmi, R/o Ward No. 5, Paragaon Road, Gariyabandh, District Gariyabandh Chhattisgarh, Revenue District Gariyabandh Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Ministry Of Urban Administration And Development, Capital Complex, Mahandi Bhawan, Naya Raipur, District Raipur Chhattisgarh
2. The Municipal Council Gariyabandh, Through Its Chief Municipal Officer, Municipal Council Gariyabandh, District Gariyabandh Chhattisgarh

---- Respondent

And

WPC No. 2200 Of 2015

- Kalyan Singh Chandrakar S/o Shri Kishan Chandrakar, Aged About 52 Years Caste Kurmi, R/o Gariyabandh, District Gariyabandh, (Chhattisgarh), Civil & Revenue District Gariyabandh. (Chhattisgarh)

---- Petitioner

Vs

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

---- Respondent

For Petitioners	Mr. Vivek Chopda, Advocate
For Respondent/State.	Mr. Bhaskar Pyasi, Panel Lawyer
For Respondent No.2	Mr. Arun Sao, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

9/12/2015

These petitions under Article 226 of the Constitution of India have been preferred for a direction to the respondents not to demolish the construction raised by the petitioners on the land belonging to them by treating the same as encroachment or in the alternative to direct them not to remove the petitioners from possession and raise construction without acquiring the land.

(2) At the outset, Mr. Arun Sao, learned counsel for respondent No.2- Municipal Council, Gariyabandh would submit that the notices -Annexure P-2 in both the writ petitions, have been issued to the petitioners requiring them to remove construction or to show papers concerning their title over the land in question, failing which, the Council shall proceed to remove encroachment. He would submit that the petitioners have already submitted the papers before the Council which are under consideration and no action shall be taken without deciding the matter and after considering petitioners' reply.

(3) In view of the above, the writ petitions are disposed of with a direction that the Municipal Council shall objectively consider the reply and documents submitted by the petitioners in response to the notices Annexure P-2 after proving 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)