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**HIGH COURT OF CHHATTISGARH, BILASPUR****WPC No. 970 of 2014**

- Vrindaband Panda S/o Late Shyam Panda Aged About 58 years R/o Hudco, Shop No. 13, A Market, Shriram Chowk, Bhilai, President of Vyapari Kalyan Samiti (Regd. No.1871) Tahsil and District-Durg (C.G.)

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

1. State of Chhattisgarh, Through The Secretary, Revenue Department, Mahanadi Bhavan, Mantralaya, New Raipur, District-Raipur (C.G.)
2. The Collector, Durg, District -Durg. (C.G)
3. Commissioner, Municipal Corporation, Bhilai, District- Durg (C.G.)
4. Tahsildar, Durg District- Durg. C.G
5. Sub Divisional Magistrate, Durg, District-Durg (C.G.)
6. Nazul Adhikari, Durg, District-Durg (C.G.)
7. Station House Officer, Sector -6, Kotwali, Bhilai, District- Durg. (C.G.)
8. Chief Executive Officer, Bhilai Steel Plant, Bhilai, District-Durg (C.G.)

**---- Respondents**


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| For Petitioner       | : | Shri BP Singh, Advocate                       |
| For Respondent/State | : | Shri Gary Mukhopadhyay, Dy. GA for the State. |
| For Respondent No.8  | : | Dr. Saurabh Kumar Pandey, Advocate            |
| For Respondent No.9  | : | Shri Ashish Surana, Advocate                  |

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**Hon'ble Shri Justice Prashant Kumar Mishra****Order On Board****26/03/2015**

Heard learned counsel for the parties.

1. The petitioner, president of Vyapari Kalyan Samiti and a resident of Bhilai, has preferred this petition seeking a direction to the respondents to take

action against respondent No.9 and restrain its members from raising illegal construction in the area, which, according to the petitioner, belongs to the Bhilai Steel Plant, Municipal Corporation, Bhilai or the State Government, as the case may be.

2. Shri BP Singh, learned counsel for the petitioner would submit that the authorities are not taking any action against respondent No.9, even though the matter has been represented to the Collector & Commissioner Municipal Corporation on several occasions.
3. The question as to whether respondent No.9 is in lawful possession of the land and the construction raised by it, is in accordance with law or not, is a question of fact to be determined by the concerned authorities after examining the entire facts situation of the case, therefore, instead of keeping this petition pending, this Court deems it appropriate to direct the Collector, Durg and Municipal Corporation, Durg to decide petitioner's representation at the earliest, preferably within a period of six months from the date of submission of representation. The representation shall be decided after giving opportunity of hearing to the petitioner as well as to respondent No.9. The representation shall be decided by a speaking order after making due enquiry of the subject matter of the dispute.
4. It is made clear that this Court has not expressed any opinion on the merits of the case and the respondent authorities shall decide the matter, on its own merits, strictly in accordance with law, without treating any observation made in this order, as opinion on the merits of the case

JUDGE

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