

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 153 of 2015

1. Kamalchand Jain, Aged About 63 years, S/o Late Shri Nemichand Jain, R/o House No. 736, Maharishi Valmiki War, Avanti Vihar, Raipur Tahsil & District Raipur, C.G.

---- Petitioner

Versus

1. State of Chhattisgarh Through The Secretary, Government of Chhattisgarh, Department Of Revenue, Mahanadi Bhawan, Mantralaya, Naya Raipur, C.G.
2. The Collector, District Raipur, C.G.
3. The Commissioner, Municipal Corporation, Raipur District Raipur, C.G.
4. The Zone Commissioner Zone No. , Municipal Corporation, Raipur C.G.

---- Respondents

For Petitioner	Shri Kishore Bhaduri, Advocate
For Respondent/State	Shri Adiraj Surana, Dy. Government Advocate
For Respondent Nos.3 & 4	Shri Pankaj Agrawal, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

20/02/2015

Heard learned counsel for the parties.

1. This petition under Article 226 of the Constitution of India has been preferred seeking a direction to the respondent Nos.3 & 4/ Municipal Corporation, Raipur and the Zone Commissioner of the said Corporation respectively to reconstruct the boundary wall of the petitioner's property, as the same was illegally demolished by them and to pay exemplary costs to the petitioner for undue hardship caused to him.

2. Learned counsel for the petitioner would submit that the boundary wall of the petitioner's property was demolished by the Municipal Corporation on 12.12.2014 without assigning any reason presumably on the pressure created by the local residents, as the erection of boundary wall by the petitioner was obstructing their right of way.
3. In the considered opinion of this Court, the relief claimed in this writ petition is in the nature of issuance of mandatory injunction and grant of compensation, which can only be done in a properly constituted suit, whereby the parties would have the liberty to lead evidence both documentary and oral.
4. It is the settled law that civil disputes cannot be entertained by way of writ petition. (See : **Radheshyam and Another v. Chhabi Nath and Others**¹).
5. As a sequel, the writ petition, being devoid of merit, is liable to be and is hereby dismissed. However, it is open for the petitioner to avail the remedy of filing a civil suit.

JUDGE

Gowri