

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 500 of 2015

- Chovaram Sahu S/O Ranuma Sahu Aged About 40 years R/O Ramsagar Para, Ward No. 17, Raipur, Police Station And Post Raipur, Civil And Revenue District Raipur (C.G.)

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through Secretary, Urban Administration Development Department, Mahanadi Bhawan, Mantralaya, Capital Complex, Naya Raipur, District Raipur (C.G.)
2. Commissioner, Municipal Corporation, Raipur, District Raipur (C.G.)
3. Municipal Corporation, Raipur, Through Its Commissioner, Municipal Corporation, Raipur (C.G.)
4. Zone Commissioner, Zone No.7, Municipal Corporation, Raipur, Idgah Bhata, New Water Tank Premises, Raipur, (C.G.)
5. Collector Raipur, District Raipur, (C.G.)

---- **Respondents**

For Petitioner	: Shri Vikram Dixit, Advocate
For Respondent/State	: Shri Arun Sao, Dy. Advocate General
For Respondent	: Shri Pankaj Agrawal, Advocate, Municipal Corporation

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

24/03/2015

1. Petitioner has preferred this writ petition assailing the notices issued by the Municipal Corporation, Raipur under Sections 322 and 323 of the Municipal Corporation Act, 1956 directing him to remove encroachment failing which he shall be dispossessed from the land and cost thereof shall also be recovered from him.
2. Shri Dixit, learned counsel for the petitioner would submit that the petitioner is a lessee under a lease granted by the competent authority under the Chhattisgarh Nagariya Kshetron Ke Bhoomihin Vyakti (Pattadhriti Adhikaron Ka Pradan Kiya Jana) Adhiniyam, 1984 and he is neither encroacher nor trespasser.

He would further submit that by the impugned notices petitioner has been granted only 24 hours time to remove the structure. Even though the structures have not yet been removed, the language of the notice carries threat of remove/demolition at any point of time.

3. Shri Agrawal, learned counsel appearing for the Corporation on advance notice would submit that if the petitioner submits a duly constituted representation before the Corporation along with all necessary supporting documents in proof of the lawfulness of his possession, the same shall be examined and the Corporation shall proceed only after passing order on the representation.

4. In view of the above, let the petitioner make a fresh representation along with all necessary documents before the Municipal Corporation within a period of two weeks. The Corporation shall thereafter pass necessary order after giving opportunity of hearing to the petitioner. This may be done within a period of one month after submission of representation.

5. For a period of eight weeks from today, the petitioner shall not be dispossessed.

6. Accordingly, writ petition is disposed of.

7. 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 representation, 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