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HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 55 of 2016**

- Smt. Vimla Devi Gupta W/o Late Shri Chadra Prakash Gupta, Aged About 65 Years R/o Sattiguri Chowk, Baikunthpur, P.S. Baikunthpur, Tahsil And District Raigarh, (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary Of Urban And Rural Development Department, Mahanadi Bhawan, New Mantralay, Raipur (Chhattisgarh)
2. The Collector, Raigarh, District Raigarh, (Chhattisgarh)
3. The Municipal Corporation, Raigarh, District Raigarh, (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Sunil Tripathi, Advocate
For Respondents-State	:	Shri Arun Sao, Dy. AG for the State
For Respondent No.3	:	Shri Kashif Shakeel, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****13/01/2016**

1. In this writ petition the petitioner has assailed the action of the respondent authorities who are likely to demolish the construction carried out by the petitioner on her land, which has been leased to her by the State Government.
2. Learned Dy. Adv. General appearing for the State and the learned counsel appearing for the respondent Corporation would submit that the State Government or the Corporation would take action against the petitioner, if any, in accordance with law, after giving opportunity of hearing. They would submit that in case of any such intended action, the property/ land in question shall be demarcated and measured for ascertaining the

encroached area. In the event the lease area is required for any public purpose, the same shall be carried out only after taking decision on the lease in question.

3. In view of the above, the writ petition is disposed of with the observation that in event the respondents desire to carry out any demolition of the construction raised on the leased land or on any encroached area, the same shall be done only after carrying out the demarcation in presence of the petitioner and the petitioner shall also be provided opportunity of hearing before such action.
4. It is made clear that till the petitioner is heard and appropriate decision is taken, there shall be stay on demolition of the subject property standing on the leased area only.

Sd/-
Judge
Prashant Kumar Mishra

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