

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 78 of 2016**

- Mohd. Haroon S/o Mohd. Hassan, Aged About 47 Years R/o Ward No. 4, Anglapara, Narayanpur, Police Station, And Revenue District Narayanpur (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through : Secretary, Urban Administration Department, Mahanadi Bhawan, Mantralaya, Capital Complex, Naya Raipur, Civil And Revenue District Raipur (Chhattisgarh)
2. Collector, Narayanpur, Police Station, And Revenue District Narayanpur (Chhattisgarh)
3. Municipal Council Narayanpur, Through Chief Municipal Officer, Police Station, Revenue District Narayanpur (Chhattisgarh)
4. Chief Municipal Officer, Municipal Council, Narayanpur, Police Station, Revenue District Narayanpur (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Vaibhav A. Goverdhan, Advocate
For Respondents-State	:	Shri Arun Sao, Dy. AG for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****14/01/2016**

1. Learned counsel for the petitioner would submit that the Municipal Council, Narayanpur has issued notice to the petitioner for removal of construction without ascertaining as to whether the petitioner has encroached on the government land.
2. Learned State counsel would submit that a list of encroachers is a document annexed with the notice Annexure P-1, wherein the petitioner's name is also mentioned at serial No.4 on the right side of the road.

3. From the documents made available before this Court, it does not appear that any demarcation of the concerned road and the land occupied by the petitioner has been made in petitioner's presence, therefore, the writ petition is disposed of with a direction that the Municipal Council, Narayanpur shall conduct demarcation of the road in the presence of the petitioner and after notice to all other encroachers, whose names are mentioned in the list available at page 8 of the paper-book. Depending upon the outcome of the demarcation report, Municipal Council, Narayanpur would be at liberty to initiate process for removal of encroachers and/or demolition of the illegal construction raised by any of the encroacher.
4. Till the demarcation is made and the petitioner and like persons are made aware about the area encroached by them, there shall be stay of the demolition.
5. Certified copy today.

Sd/-

Judge
Prashant Kumar Mishra

ashu