

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 175 of 2016

1. Rahul Jain S/o Shri B. L. Jain, Aged About 37 Years R/o 20, Choube Colony, Raipur (Chhattisgarh), 492001
2. Vikram Jain S/o. Shri B. L. Jain, Aged About 35 Years R/o 20, Choube Colony, Raipur (Chhattisgarh), 492001

---- Petitioner

Versus

1. State Of Chhattisgarh Through: The Secretary, Government Of Chhattisgarh, Town & County Planning Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur (Chhattisgarh).
2. The Director, Town & Country Planning, Raipur, (Chhattisgarh).
3. Municipal Corporation, Through Commissioner, Municipal Corporation Raipur, District Raipur, (Chhattisgarh).

---- Respondent

For Petitioners	Shri Anmol Sharma, Advocate
For Respondent/State	Shri P. K. Bhaduri, GA
For Respondent No.3	Ms. Ruchi Nagar, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board By

22/01/2016

1. This petition under Article 226 of the Constitution of India has been preferred for a direction to the respondents not to dispossess the petitioner from his land without following due process and without paying any compensation.
2. At the outset, learned counsel for the respondents would submit that in the event, if the land of the petitioner is required for any public

purpose, the same shall be carried out only after following the due process.

3. In view of the above, the writ petition is disposed of with a direction that the municipal council shall objectively consider the reply and documents submitted by the petitioner in response to the notice Annexure P-2 after providing personal hearing to the petitioner. If required, the municipal council shall conduct demarcation of the subject property/area before taking decision in the matter. Let the exercise be completed within a period of one month from today.
4. For a period of one month from today, the subject construction shall not be demolished.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA

Nirala