

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 250 of 2016

1. Mohd. Arif Khan S/o Mohd. Afzal Khan, Aged About 32 Years R/o Opp. Silicate Factory, Noorani Chowk, Raja Talab, P. S. Civil Lines, Raipur, Civil And Revenue District Raipur (Chhattisgarh).
2. Mohd. Abdul Gaffar Khan, S/o Mohd. Ibrahim, Aged About 54 Years R/o Amar Chowk, Raja Talab, P. S. Civil Lines, Raipur, Civil And Revenue District Raipur (Chhattisgarh).

---- Petitioners

Versus

1. State Of Chhattisgarh Through Secretary Department Of Revenue, Secretariat, Mahanadi Bhawan, New Raipur, Police Station Rakhi, Post Office Rakhi District Raipur (Chhattisgarh).
2. Municipal Corporation, Raipur, Through Its Commissioner, Municipal Corporation Raipur Civil And Revenue District Raipur (Chhattisgarh).
3. Zone Commissioner, Zone No. 3, Municipal Corporation Raipur Civil And Revenue District Raipur (Chhattisgarh).

---- Respondents

Shri Adil Minhaj, counsel for the petitioner/s.
Shri Pankaj Agrawal, counsel for the Corporation.
Shri Satish Gupta, Govt. Adv. for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

01/02/2016

Learned counsel for the petitioner submits that the impugned notice issued by the Corporation is without jurisdiction and authority of law. It is submitted that the land is not comprised in the area of public street. Therefore, the impugned action initiated against the petitioners is not in accordance with law.

2. On the other hand, learned counsel for the Corporation and State submits that the petitioners have not placed on record any document to show that the

land was allotted to them. The notice itself shows that the petitioners have encroached upon the land.

3. The issue whether the petitioners encroached upon the street or not is a matter of consideration for the Corporation authorities. It is also found that the petitioners have not come out with any material to show as to how they came into possession of the land in dispute. Therefore, in these circumstances, I am not inclined to extend any relief to the petitioner.

4. With the liberty to the petitioners to take recourse to ordinary remedy of civil proceedings, the petition is dismissed.

Sd/-

(Manindra Mohan Shrivastava)
Judge