

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 574 of 2015

1. Smt. Kaushilya Devi Goyal W/o Shri Suresh Kumar Goyal Aged About 60 Years R/o Sanskritik Bhawan, Shiv Complex, Mova, Raipur Chhattisgarh Civil & Revenue District Raipur Chhattisgarh

---- Petitioner

Versus

1. The Municipal Corporation Through Its Commissioner Municipal Corporation Chhotapara, Raipur Chhattisgarh
2. The Commissioner Municipal Corporation, Raipur, District Raipur Chhattisgarh
3. Gram Panchayat, Mowa, Through Its Sarpanch, District Raipur Chhattisgarh
4. The State of Chhattisgarh, through the Secretary, Town and Country Development Authority, Raipur.
5. The Town and Country Planning Authority, through its Director, Collectorate, Raipur, Dist. Raipur (CG).

---- Respondent

For Petitioner	Shri B.P. Sharma & Shri A. Shukla, Advocates
For Respondent/State	Shri Rajendra Tripathi, Panel Lawyer
For Respondent/Corpn.	Shri Pankaj Agrawal, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

25/01/2016

1. Petitioner is aggrieved by the notice issued by the Municipal Corporation, Raipur, on 26-3-2015 directing the petitioner to remove the illegal/ unauthorised construction.
2. Shri Agrawal, learned counsel appearing for the Corporation/ respondents No.1 & 2, would submit that the petitioner has not obtained required permission from the authority before raising construction, therefore, the Corporation has proceeded to issue notice.
3. Per contra, Shri Sharma, learned counsel appearing for the petitioner, would submit that at the time when the construction was raised the area was within the jurisdiction of the Gram Panchayat and the petitioner had obtained required permission from the said local authority, therefore, the construction is not unauthorised.
4. Let the petitioner submit all the documents along with the representation before the Municipal Corporation, Raipur, within a period of four weeks from today and on such representation and documents being filed, the Municipal Corporation shall consider and decide the same objectively as to whether the construction raised by the petitioner is unauthorised or it was raised after seeking permission from the Gram Panchayat or any other authority from which permission was required in law. The Municipal Corporation shall provide personal hearing to the

petitioner and, thereafter, decide the entire matter within a period of two months from the date of submission of representation by the petitioner.

5. Till the representation is decided, demolition of the subject property shall remain stayed.
6. With the aforesaid observations and directions, the writ petition stands disposed of. No order as to costs.

Sd/-

Judge

Prashant Kumar Mishra

Gowri