

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 665 of 2016

Park Avenue Society, Through The Vice President Dashrath Agrawal, S/o Shri Moolchand Agrawal, Aged About 64 Years, Park Avenue Society, Dhimrapur Chowk, Jindal Road, Raigarh District Raigarh Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Town And Country Planning Department, Mantralaya, Mahandi Bhawan, Raipur Chhattisgarh
2. Collector, Raigarh, District Raigarh Chhattisgarh
3. Deputy Director, Town And Country Planning Raigarh, District Raigarh Chhattisgarh
4. Commissioner, Municipal Corporation, Raigarh, District Raigarh Chhattisgarh
5. Rakesh Kumar Agrawal, Partner, Bansal Builder, Park Avenue, Dhimrapur Bypass Road, P.S. Kotra Road, Raigarh, District Raigarh Chhattisgarh

---- Respondents

For Petitioner	:	Ms. Hamida Siddiqui, Advocate.
For State	:	Mr. B. Gop Kumar, Dy. A.G.
For Corporation	:	Mr. H.B. Agrawal, Senior Advocate with Ms. Meera Jaiswal, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

16/03/2016

Heard.

1. By this petition, the petitioner has prayed for direction to respondents No.2, 3 & 4 to take action against respondent No.5 on the allegation that respondent No.5, the builder is obstructing the access by blocking the road. It is the allegation of the petitioner that the road, which is being blocked by the builder respondent No.5, was existing in the map approved by the Town and Country Planning Authority as also by the Corporation while sanctioning lay out and construction.

2. The issue is more of factual nature. Whether or not respondent No.5 has blocked the road and whether it is in violation of the sanctioned map of the colonizer, are all matters of enquiry into facts. This can be done by the Competent Authority i.e. respondent No.4. The petitioner has made representation to the Corporation. The Corporation is obliged to make an enquiry on the petitioner's allegation and act in accordance with law.

3. This Court would refrain from making any observations on merits because notices has not been issued to respondent No.5. The Corporation shall depute a Competent Authority to hold an enquiry into petitioner's allegation and decide the same after affording opportunity of hearing to respondent No.5 within a period of 60 days.

4. With the aforesaid observations, this petition is disposed off.

Sd/-

(Manindra Mohan Shrivastava)

J U D G E