

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 823 of 2016

Smt. Dhaneshwari Sahu W/o Laxman Sahu, Aged About 31
Years R/o Ward No. 20, Civil Line, Khamariya, Khairagarh, Tehsil
Khairagarh, District Rajnandgaon Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Principal Secretary Urban
Administration And Development Department, Mahanadi
Bhawan, New Raipur Chhattisgarh
2. The Principal Secretary, Revenue Department, Mahandi Bhavan,
New Raipur Chhattisgarh
3. The Municipal Council Khairagarh, Through The Chief Municipal
Officer, Khairagarh, District Rajnandgaon Chhattisgarh
4. The Tahsildar, Tahsil Khairagarh, District Rajnandgaon
Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Rakesh Pandey, Advocate.
For State	:	Mr. Ramakant Mishra, Dy. A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

05/04/2016

Heard on admission.

1. Challenge is made to notice dated 16.12.2015 (Anneuxre P/1)
and order of Tahsildar dated 16.02.2016.
2. Learned counsel for the petitioner submits that in the present
case, the land has not been diverted and the petitioner is raising
construction over the agriculture land, therefore, no permission of the
local body would be necessary. He also submits that the Tahsildar has
no jurisdiction to direct the petitioner to stop construction.
3. The notice dated 16.12.2015 has been issued by the municipality
constituted under Chhattisgarh Municipality Act, 1961.

4. Learned counsel for the petitioner does not dispute that the remedy of statutory appeal is available to the petitioner under Section 307 of the Municipality Act, 1961 but he submits that instant petition has been filed as the order is wholly illegal.

5. On the face of availability of alternative remedy of appeal, I am not inclined to entertain this petition and therefore, this petition is dismissed with liberty to the petitioner to file appeal before appropriate Forum.

Sd/-
(**Manindra Mohan Shrivastava**)
J U D G E

Rekha