

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 916 of 2016

1. Dharmendra Kumar Das S/o Late Shri S.K.L. Das, Aged About 38 Years R/o Patliputra Nagar Beside Loyla School, Seepat Road, Bilaspur Chhattisgarh
2. Narendra Das, S/o Late Shri S.K.L. Das, Aged About 47 Years R/o Patliputra Nagar Beside Loyla School, Seepat Road, Bilaspur Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Urban Administration Mahandi Mantralaya, Naya Raipur Post Office & Police Station Naya Raipur, District Raipur Chhattisgarh
2. Director, Directorate Of Town & Country Planning Indrawati Bhawan, Naya Raipur, Post Office & Police Station Naya Raipur District Raipur Chhattisgarh
3. Joint Director, Department Of Town And Country Planning,s Regional Office Bilaspur Chhattisgarh

---- Respondents

Shri B.D.Guru, counsel for the petitioner/s.
Shri B.Gopa Kumar, Dy.A.G. for the State on advance copy.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

12/04/2016

Heard.

This petition has been filed by the petitioner for quashing memo dated 18/03/2016 and also for a direction to respondent authorities to treat petitioner's application for development as deemed sanction under Section 29 read with Section 30 (5) of the Nagar Tatha Gram Nivesh Adhiniyam, 1973 (for short 'Adhiniyam 1973').

2. Learned counsel for the petitioner submits that in order to deprive the petitioner of the benefits under provisions of Section 30 of the Adhiniyam, 1973, false allegation has been leveled against the petitioner vide memo dated

18/03/16 and he has been threatened that FIR will be lodged against him. He submits that reply has been submitted to memo dated 18/03/16 stating that he has not stolen any document from the office of the respondent.

3. Learned State counsel submits that at present, no FIR has been lodged against the petitioner. In case, on the complaint of the respondent authority, criminal case is registered against the petitioner, petitioner may have cause of action to challenge the same before appropriate Forum. He further submits that even for claimant's application for deemed sanction, no action has been taken by the authorities denying benefits of deemed sanction.

4. It appears that memo dated 18/03/15 has been issued to which, the petitioner has also submitted his detailed reply refuting the allegations.

It is not a case, at this stage, that any FIR has been lodged against the petitioners. As and when any report is lodged and offence is registered, petitioners would be at liberty to challenge the same in appropriate Forum in accordance with law.

5. As far as petitioners' claim of deemed sanction is concerned, I find that at present, no authority has passed any order or done anything to deny the benefits of deemed sanction as claimed by the petitioner. On this count also, this petition is based on mere apprehension. Therefore, at an appropriate stage, petitioner may take recourse to remedy in case of denial of claimed status of deemed sanction.

With the aforesaid liberty, this petition is finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge