

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1493 of 2016

- Dhanraj Banerjee S/o Shri Achin Benerjee Aged About 34 Years R/o Anand Nagar Raipur, Chhattisgarh.

---- Petitioner

Versus

1. The Commissioner, Head Office Municipal Corporation Raipur Chhattisgarh.
2. Zone Commissioner, Zone No.07, Municipal Corporation Raipur, Jai Stambh Chowk, In Front Of Post Office, Old Head Office, Malviya Nagar Road Raipur, Chhattisgarh.

---- Respondent

For Petitioner
For Respondents

Shri Uttam Pandey, Advocate
Shri Anumeh Shrivastava, Advocate

Hon'ble Justice Shri P. Sam Koshy

Order On Board

09/06/2016

1. Challenge in this writ petition is to Annexure-P-1, which is notice dated 31.05.2016, issued by the respondent No.2, whereby the authorities concerned issued a notice to the petitioner asking him to remove the structures and affixtures on the land over Khasra No.133, which is said to be a government land for the purpose of widening up of road.
2. Counsel for the petitioner submits that infact the land over which the petitioner has his house and shop, is in Khasra No.135/4 and it is not on Khasra No.133 and, therefore, the said impugned notice is *per se* illegal and would not be applicable so far as the petitioner is concerned.

3. Counsel for the respondents, however, submits that infact all along the petitioner has been raising a dispute for rederessal of his grievances seeking a relief for giving permission to open a shop, which was initially for sale of meat, but subsequently the petitioner had also changed the purpose and had applied for fresh permission, which was pending. Now it is the first time, when he raises a dispute regarding khasra of the property.
4. The State counsel however does not have any objection if the petition is disposed of with the petitioner being directed to approach the respondent No.2 so far as the dispute pertaining to the khasra number is concerned. He submits that the respondent No.2 shall in-fact look into the matter and pass appropriate orders.
5. Be that as it may, let the present writ petition be disposed of at this state with a direction to the petitioner to make a detailed representation/appeal before the respondent No.2 specifically raising all the grievances that he has raised in the present writ petition including that of the fact that his property does not situate over Khasra No.133 within a period of 10 days from today before the respondent No.2 and the said respondent No.2 shall decide the same within a further period of 4 weeks thereafter. In the meanwhile, it is expected that the respondent No.2 would not take any coercive steps against the petitioner till the representation/appeal of the petitioner is so decided.
6. With the aforesaid observation, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
V. JUDGE