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HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1900 of 2016

- Ravindra Kingrani S/o Kishan Lal Kingrani, Aged About 32 Years New Rajendra Nagar, Raipur, Tahsil And District Raipur, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through: Secretary, Urban Administration Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, (Chhattisgarh)
2. Municipal Corporation, Through : Its Commissioner, Raipur (Chhattisgarh)
3. Zone Commissioner, Zone No. 4, Sports Complex, Municipal Corporation, Raipur (Chhattisgarh)

---- Respondent

And

WPC No. 1905 Of 2016

- Smt. Roma Raheja W/o Harish Raheja, Aged About 41 Years R/o Rajiv Gandhi Ward, Gali No.1, Fafadih Naka, Raipur, Tahsil And District Raipur, (Chhattisgarh)

---- Petitioner

Vs

1. State Of Chhattisgarh Through: Secretary, Urban Administration; Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, (Chhattisgarh)
2. Municipal Corporation, Through : Its Commissioner, Raipur (Chhattisgarh)
3. Zone Commissioner, Zone No. 4, Sports Complex, Municipal Corporation, Raipur (Chhattisgarh)

---- Respondent

And

WPC No. 1901 Of 2016

- M/s Omkar Real Build Private Limited Through: Director, Raj Kumar Kewalramani, S/o Late Shri Metha Ram Kewalramani, Aged About 41 Years, R/o Shop No. 3, 2nd Floor, J. B. Mal, M. G. Marg, Raipur, Tahsil And

District Raipur, (Chhattisgarh)

---- **Petitioner**

Vs

1. State Of Chhattisgarh Through : Secretary, Urban Administration Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, (Chhattisgarh)
2. Municipal Corporation, Through : Its Commissioner, Raipur (Chhattisgarh)
3. Zone Commissioner, Zone No. 4, Sports Complex, Municipal Corporation, Raipur (Chhattisgarh)

---- **Respondent**

And

WPC No. 1906 Of 2016

- Pradeep Kumar Bothra S/o Shri Ranu Lal Bothra, Aged About 58 Years R/o Sadar Bazar, Nawapara, Rajim, District Gariyaband, (Chhattisgarh)

---- **Petitioner**

Vs

1. State Of Chhattisgarh Through: Secretary, Urban Administration; Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, (Chhattisgarh)
2. Municipal Corporation, Through : Its Commissioner, Raipur (Chhattisgarh)
3. Zone Commissioner, Zone No. 4, Sports Complex, Municipal Corporation, Raipur (Chhattisgarh)

---- **Respondent**

And

WPC No. 1904 Of 2016

- M/s Omkar Real Build Private Limited Through : Director, Raj Kumar Kewalramani, Son Of Late Shri Metha Ram Kewalramani, Aged About 41 Years, R/o Shop No. 3, 2nd Floor, J. B. Mal, M. G. Marg, Raipur, Tahsil And District Raipur (Chhattisgarh)

---- **Petitioner**

Vs

1. State Of Chhattisgarh Through : Secretary, Urban Administration Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur

(Chhattisgarh)

2. Municipal Corporation, Through : Its Commissioner, Raipur (Chhattisgarh)
3. Zone Commissioner, Zone No. 4, Sports Complex, Municipal Corporation, Raipur (Chhattisgarh)

---- Respondent

And

WPC No. 1902 Of 2016

- Rajesh Kumar Makhija S/o Kachhu Ram Makhija, Aged About 54 Years R/o House No. 167, Kishna Niwas, Shyam Nagar, Raipur, Tahsil And District Raipur, (Chhattisgarh)

---- Petitioner

Vs

1. State Of Chhattisgarh Through: Secretary, Urban Administration Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, (Chhattisgarh)
2. Municipal Corporation, Through : Its Commissioner, Raipur (Chhattisgarh)
3. Zone Commissioner, Zone No. 4, Sports Complex, Municipal Corporation, Raipur (Chhattisgarh)

---- Respondent

And

WPC No. 1903 Of 2016

- Naresh Chhatri S/o Late Lalchand Chhatri, Aged About 45 Years R/o Anand Vihar, Anand Nagar, Telibandha, Raipur, Tahsil And District Raipur, (Chhattisgarh)

---- Petitioner

Vs

1. State Of Chhattisgarh Through: Secretary, Urban Administration Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, (Chhattisgarh)
2. Municipal Corporation, Through : Its Commissioner, Raipur (Chhattisgarh)
3. Zone Commissioner, Zone No. 4, Sports Complex, Municipal Corporation, Raipur (Chhattisgarh)

---- Respondent

For Petitioners	:	Shri Raghvendra Pradhan, Advocate
For Respondent-State	:	Shri Ramakant Mishra, Dy. AG for the State
For Respondents No.1 &2	:	Shri Pankaj Agrawal, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

27/07/2016

1. Petitioners have preferred these writ petitions as the Municipal Corporation has served notice on each one of them under Section 307 (3) of the Municipal Corporation Act, 1956 (for short 'the Act, 1956') for removal of unauthorized construction, failing which the corporation shall demolish the construction.
2. Learned counsel for the petitioners would submit that the petitioners have raised the construction on their own lands. There may be some deviation in internal structure or arrangement but the building laws have not been violated. It is also argued that recently the State Government has taken a policy decision to regularize the unauthorized construction, under which the petitioners' unauthorized construction, if any, is likely to be covered, therefore, any demolition of the property belonging to the petitioners would cause irreparable loss.
3. Shri Agrawal, learned counsel for the Municipal Corporation, Raipur, appearing on advance notice, would submit that the petitioners have rushed to this Court without making any representation before the Municipal Corporation. He would also submit that they have alternative remedy of moving before the District Judge Under Section 307 (5) of the Act, 1956.
4. Considering the entire facts situation of the case, the writ petitions are disposed of with a direction that in the event, the petitioners submit

representations explaining the nature of construction raised by them before the Municipal Corporation within a period of 15 days from today, the Corporation shall take decision in the matter after providing proper opportunity of hearing to the petitioners, within a period of six weeks from the date of submission of representations.

5. Till the representation is decided, there shall be no demolition of the petitioners' building.

Sd/-

Judge
Prashant Kumar Mishra

Ashu