

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1975 of 2016**

- Shakuntala Makhija W/o Rajesh Makhija, Aged About 47 Years R/o House No. M I G- 16, Housing Board Colony, Katora Talab, 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)

---- **Respondents**

For Petitioner	:	Shri Raghvendra Pradhan, Advocate
For Respondent-State	:	Shri Ramakant Mishra, Dy. AG for the State
For Respondents No.2 & 3 :	:	Shri Pankaj Agrawal, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****03/08/2016**

1. Petitioner has preferred this writ petition as the Municipal Corporation has served notice on her 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 petitioner would submit that the petitioner has raised the construction on her own land. 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 petitioner's unauthorized construction, if any, is likely to be covered, therefore, any demolition of the property belonging to the petitioner would cause irreparable loss.

3. Shri Agrawal, learned counsel for the Municipal Corporation, Raipur, appearing on advance notice, would submit that the petitioner has rushed to this Court without making any representation before the Municipal Corporation. He would also submit that she has 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 petition is disposed of with a direction that in the event, the petitioner submits representation explaining the nature of construction raised by her 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 petitioner, within a period of six weeks from the date of submission of representation.
5. Till the representation is decided, there shall be no demolition of the petitioner's building.

Sd/-

Judge
Prashant Kumar Mishra

Ashu