

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No. 439 of 2015

Nand Kumar Soni S/o Late Shri Ganesh Prasad Soni, Aged About
61 Years R/o Kilaward Near Hatri Chowk, Juna Bilaspur, P. S.
City Kotwali, Tahsil And District Bilaspur, Chhattisgarh

---- Petitioner

Versus

Smt. Ranu Sahu, Commissioner, Municipal Corporation, Bilaspur,
Tahsil & District Bilaspur, Chhattisgarh

---- Respondent

For Petitioner	:	Mr. Sourabh Sharma, Advocate
For Respondent	:	Mr. A.S. Kachhawaha, Advocate with Ms. Pushpa Dwivedi, Advocate.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

08/01/2016

Heard.

1. In this contempt petition, the petitioner has alleged willful disobedience of order dated 25.03.2014 passed in WP(C) No.318 of 2014.

2. Learned counsel for the petitioner submits that the petitioner's land was taken over by the Corporation authority for developing and constructing a cremation place. However, no compensation was paid. It is submitted that as there exists a decree in favour of the petitioner, he cannot be divested of his property without payment of compensation.

3. On the aforesaid submission, the writ petition was disposed off by this Court in view of the submission made before the Court by the Corporation and its officers that the petitioner's application for compensation before the Tahsildar has been marked to the Collector.

4. Taking into consideration that the proceedings for payment of compensation have already been initiated at the instance of the Corporation, this Court observed that the proceedings may be concluded and the appropriate compensation as may be payable to the petitioner under the law, be also paid as early as possible.

5. The grievance of the petitioner is that till date, no compensation has been paid.

6. The petitioner has filed application for taking additional facts on record along with memo dated 10.11.2015 of the Corporation, which has been addressed to the petitioner stating that now the Corporation does not require petitioner's land admeasuring 0.08 acres situated in Khasra No.436 of Village Chantidih. It has been stated that the petitioner is free to enjoy his property.

7. In view of the above submission made by the Corporation, I am not inclined to proceed further in the matter.

8. The petitioner would have an absolute right to the exclusion of the Corporation and or any of the authority to enjoy his property admeasuring 0.08 acres comprised in khasra No.436 of Village Chantidih. The Corporation or its officers have no authority henceforth to interfere with the possession of the petitioner over the land in which the petitioner is the owner and title holder as described above. It would be open for the petitioner to remove and demolish construction, if any raised by the Corporation on the land of the petitioner. Any interference in the petitioner's enjoyment in possession of the property by the authorities of the Corporation shall be strictly viewed by this Court and the petitioner would be at liberty to file fresh contempt petition.

9. The contempt petition is accordingly disposed off.

Sd/-

(Manindra Mohan Shrivastava)

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