

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1213 of 2016

- Smt. Dhaneshwari Sahu W/o Laxman Sahu, R/o Ward No. 20, Civil Line, Khamariya, Khairagarh, Tehsil Khairagarh, District Rajnandgaon Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Principal Secretary Urban Administration And Development Department, Mahanadi Bhawan New Raipur Chhattisgarh
2. The Principal Secretary, Revenue Department, Mahanadi Bhawan, New Raipur Chhattisgarh
3. The Municipal Council, Khairagarh Through The Chief Municipal Officer, Khairagarh District Rajnandgaon Chhattisgarh
4. The Tahsildar, Tehsil Khairagarh, District Rajnandgaon Chhattisgarh

---- Respondent

For Petitioner	Shri Rakesh Pandey, Advocate
For Respondent-State	Shri A. S. Kachhawaha, Addl. AG
For Respondent No.3	Shri Sudeep Agrawal, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

17/11/2016

1. Learned counsel for the petitioner would submit that the present writ petition has been preferred against the demolition of the cow shed constructed by the petitioner on her agricultural land. He would also submit that during pendency of the writ petition, the State Government has issued a notification on 18.07.2016 amending the Chhattisgarh Anadhikrit Vikas Ka Niyamitikan

Adhiniyam, 2002 (henceforth 'the Adhiniyam, 2002'), pursuant to which the petitioner has moved an application before the District Regularization Authority (for short 'DRA') on 20.09.2016.

2. Shri Kachhawaha, learned Addl. Advocate General and Shri Agrawal, learned counsel for the respondent No.3 would submit that the writ petition may be disposed of with a direction to the DRA to decide the application as also by reserving liberty in favour of the respondents to proceed in accordance with law after the decision is taken by the DRA.
3. Having heard learned counsel for the parties and in view of the fact that the petitioner has already moved an application before the DRA for regularization of the construction made by her, the writ petition is disposed of with a direction that the concerned DRA shall decide the petitioner's application under the Adhiniyam, 2002, at the earliest, preferably within a period of 3 months. The DRA shall provide proper opportunity of hearing to the petitioner.
4. Based on the outcome of the proceedings before the DRA, the respondents would be at liberty to proceed in the matter, in accordance with law.
5. The writ petition stands disposed of.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA