

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 1659 of 2014**

1. Sanjay Khandelwal S/o Shri Moolchand Khandelwal Aged About 47 Years R/o Sai Mangalam Vyapar Viha P.S. Tarbahar Tehsil Bilaspur Civil & Revenue Distt. Bilaspur, Chhattisgarh.
2. Dinesh Verma S/o Late Shri Shivshankar Verma Aged About 51 Years R/o Juna Bilaspur P.S. City Kotwali Tahsil Bilaspur Civil & Revenue Distt. Bilaspur Chhattisgarh.

---- Petitioners**Versus**

1. State of Chhattisgarh Through The Secretary, Department of Urban Administration Mantralaya Mahanadi Bhawan New Raipur, Chhattisgarh.
2. The Director, Town & Country Planning Chhattisgarh Raipur New Riapur Capital Complex P.S. Rakhi Tehsil Abhanpur Civil & Revenue Distt. Raipur Chhattisgarh.
3. The Joint Director Town & Country Planning Meena Bazar Colony, Kududand Mungeli Naka P.S. Civil Lines, Tehsil Bilaspur, Civil & Revenue Distt. Bilaspur Chhattisgarh.
4. Municipal Corporation Bilaspur Through The Commissioner, Municipal Corporation Bilaspur, Corporation Office Nehru Chowk, Bilaspur C.G.
5. The Collector Bilaspur Distt. Bilaspur, Chhattisgarh, Police Station Civil Lines, Tehsil Bilspur Civil and Revenue District Bilaspur, Chhattisgarh.
6. Ashok Agrawal S/o Late Shri Jagmohan Das Agrawal Aged About 50 Years Durector Bilaspur Infrastructure Pvt. Ltd. R/o Kranti Nagar P.S. Tarbahar Tehsil Bilaspur, Civil & Revenue Distt. Bilaspur, Chhattisgarh.
7. Ram Avtar Agrawal S/o Late Sri Jagmohan Das Agrawal Aged About 52 Years Director, Bilaspur Infrastructure Pvt. Ltd. R/o Vinoba Nagar P.S. Tarbahar Tahsil Bilaspur Distt. Bilaspur, Chhattisgarh.
8. Niranjana Lal Jindal S/o Late Shri Kundan Lal Jindal R/o Hira Arcades New Bus Stand Pandri P.S. Pandri Tehsil Raipur, Civil & Revenue Distt. Raipur, Chhattisgarh.
9. Aman Agrawal S/o Shri Ashok Agrawal Aged About 23 Years Director Bilaspur Infrastructor Pvt. Ltd. R/o Kanti Nagar Ps. Tarbahar Tahsil Bilaspur Distt. Bilaspur, Chhattisgarh.
10. Bilaspur Infrastructure Pvt. Ltd. Through Its Director Ashok Agrawal S/o Late Shri Jagmohan Das Agrawal Age 50 Yrs Old R/o Kranti Nagar P.S. Tarbahar Tehsil Bilaspur, Civil & Revenue Distt. Bilaspur, Chhattisgarh.

---- Respondents

For Petitioners	:	Shri RS Marhas, Advocate.
For Respondents No. 1 to 3&5/ State	:	Shri Satish Gupta, Govt. Advocate.
For Respondents No.4	:	Shri AS Kachhwaha, Advocate.
For Respondents No.6 to 10	:	Shri Prateek Sharma, Advocate.
For Respondent/Intervenor	:	Shri PK Tulsyan, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

20/09/2016

1. Heard on IA No.2, which is an application for intervention.
2. Learned counsel appearing for the intervenor submits that this application has been filed on behalf of Sindhi Yuvak Samiti Bilaspur whose land is said to have been fraudulently transferred to the respondents in this petition by the office bearers of the said Sindhi Yuvak Samiti, Bilaspur.
3. Taking into consideration the submissions made by the counsel for the intervenor, this court does not find any strong ground made out by the said Samiti permitting them to intervene in this petition, as the relief sought for in the present petition has no relevance with the grievance of the intervenor and the relief which they want. Accordingly, IA No.2 for permission to intervene stands rejected.
4. The present petition has been filed by the petitioners under Section 226/227 of the Constitution of India seeking for two specific reliefs which are as follows :

“10.(i). That, this Hon'ble Court may be pleased to call for the entire record of the case pertaining to grant of building permission and approval from the Municipal Corporation,

Bilaspur as well as from the office of the Joint Director, Town and Country Planning, Bilaspur.

10(ii). That, this Hon'ble Court may be pleased to direct the respondent authorities to conduct a high level inquiry by an independent/high level team of IPS officers which is not prone to be influenced by high level approach of the private respondents. Alternatively, this Hon'ble Court be pleased to constitute a committee to enquire into the allegations made by the petitioner and supervise the same."

5. This petition was filed as early as on 21.08.2014. The basic grievance of the petitioners by way of this petition was that the private respondents in the instant case i.e. respondents No.6 to 10, in the course of construction of City Centre near the old bus stand, beside Shiv Talkies, Bilaspur, measuring about 86,000 sq. feet have deviated from the order which was put for approval of the Town and Country Planning. They have also made illegal construction.
6. Pending the petition, a document dated 04.07.2015 has been brought on record by the respondents wherein it appears that the respondent-Municipal Corporation, Bilaspur, had conducted an inquiry and had also initiated a proceedings under the Municipal Corporation Act against the promoters of the said building. The Corporation had also issued a show cause notice to the promoters for this alleged deviation and also for the irregularities and illegal construction. That, vide order dated 04.07.2015, the Municipal authorities having found certain illegalities in the construction work and have also ordered for the removal/demolition of illegal construction and the deviation so made from the drawing which has been approved by the Town and Country

Planning-respondent.

7. Taking into consideration the limited prayer which has been sought for in the present petition and further considering the document dated 04.07.2015, it appears that prima facie the grievance of the petitioners stand redressed, inasmuch as, the petitioners have been able to bring to the notice of the municipal authorities in respect of the illegal construction and deviation and the municipal authorities also, in due course of time, have taken note of that and have conducted an enquiry and have also passed the order dated 04.07.2015.
8. Thus, in the opinion of this court, the Municipal Corporation, Bilaspur, having passed the order dated 04.07.2015, the substantive grievance of the petitioners stand redressed and nothing further remains to be adjudicated in this petition and the petition is accordingly dismissed as having rendered infructuous. No order as to costs.

Sd/-
(P.Sam Koshy)
Judge

inder