

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2335 of 2016**

- Puranjan Nayak, S/o Shri Tulsidas Nayak, aged about 39 years, R/o Village Kharwani (Baramkela), Tahsil and P.O. & P.S. Baramkela, District Raigarh (CG)

---- Petitioner**Versus**

1. State of Chhattisgarh, through the Secretary, Urban Administration and Development Department, Mahanadi Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur (CG)
2. Directorate, Urban Administration & Development Department through its Director, Indravati Bhawan, Block-D, 4th Floor, Naya Raipur, P.O. & P.S. Naya Raipur, District Raipur (CG)
3. Nagar Panchayat, Baramkela, through its Chief Municipal Officer, Baramkela, District Raigarh (CG)

---- Respondent

For Petitioner : Shri Sudeep Agrawal, Advocate.
 For Respondent/State : Shri Arun Sao, Deputy AG.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****19/09/2016**

1. The petitioner is aggrieved by the impugned notice whereby Nagar Panchayat, Baramkela, District Raigarh has directed him to pull down illegal and unauthorized construction of shopping complex made on Government land.
2. It is argued that shopping complex has been constructed in the year

2004-05 after obtaining permission from the then Gram Panchayat. Therefore, it is not an unauthorized construction. It is further argued that without carrying out any demarcation, Nagar Panchayat cannot come to a conclusion that the Government land has been encroached in raising construction.

3. Learned State Counsel would submit that even if the petitioner was allowed by the Gram Panchayat to raise construction, the same should have been done on his own land and not on any Government land, therefore, the impugned order does not suffer from infirmity.
4. Having heard learned counsel for the parties, the Writ Petition is disposed of with a direction to the Nagar Panchayat, Baramkela to carry out demarcation of the subject land after noticing the petitioner and based on the demarcation report, fresh notice for removal of encroachment be issued, if any. If the petitioner is found to have encroached on Government land, he shall be provided opportunity of hearing before demolition of construction.
5. Let entire process be completed within a period of 3 months from today. For a period of 3 months only, the subject construction shall not be demolished.

Sd/-
Judge
(Prashant Kumar Mishra)