

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 3022 of 2016**

- Smt. Anju Ahuja W/o Yashpal Ahuja Aged About 53 Years R/o Gulab Marg Ward No. 16 Tulsi Pur, Civil And Revenue District Rajnandgaon (Chhattisgarh)

---- Petitioner**Versus**

1. State of Chhattisgarh Through The Secretary, Government of Chhattisgarh Town And Country Planning, Mahanadi Bhawan, Raipur (Chhattisgarh)
2. The Commissioner, Municipal Corporation Rajnandgaon (Chhattisgarh)
3. The Collector, Rajnandgaon (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri AK Patil, Advocate
For Respondents-State	:	Shri Shashank Thakur, GA for the State
For Respondent No.2	:	Shri Kashif Shakeel, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****08/12/2016**

1. Petitioner has called in question the legality and validity of the notice Annexure P-1 issued by the Municipal Corporation, Rajnandgaon directing the petitioner to remove unauthorized construction and encroachment over the government land.
2. Learned counsel for the petitioner would submit that before issuing the impugned notice, the petitioner has not been heard nor any procedure has been adopted to ascertain whether or not the petitioner has encroached any government land, therefore, the notice should not be acted upon.

3. Shri Kashif Shakeel, learned counsel for the respondent Municipal Corporation, Rajnandgaon and Shri Shashank Thakur learned GA for the State would oppose the writ petition.
4. Considering the entire facts circumstances of the case, the writ petition is disposed of with direction to the Municipal Corporation, Rajnandgaon to demarcate the area occupied by the petitioner in his presence and thereafter, if the petitioner is found to encroach upon any government land, the corporation shall proceed in accordance with law.
5. Till the demarcation is carried out, the subject construction shall not be demolished.

Sd/-

Judge

Prashant Kumar Mishra

Ashu