

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No.375 of 2016**

Rohit Kumar Gupta S/o Shri Brijmohan Gupta, Aged About 39 Years R/o
M I G 53 Sector 1, Shanker Nagar, Thana Civil Lines, Distt. Raipur,
(Chhattisgarh)

---- **Petitioner****Versus**

1. Municipal Council Through Its Chief Municipal Officer, Aarang, Distt. Raipur, (Chhattisgarh)
2. Chief Municipal Officer, Municipal Council, Aarang, Distt. Raipur, (Chhattisgarh)
3. State Of Chhattisgarh, Through Its Secretary, Urban Administration Department, Mantralaya, Naya Raipur, Distt. Raipur, (Chhattisgarh)

---- **Respondent**

For Petitioner	:	Shri Parag Kotecha, Advocate
Respondent/State	:	Shri Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****24/02/2016**

Heard.

2. The petitioner has filed this petition aggrieved by the action and directions of the respondents No.1 & 2, whereby the petitioner has been restrained from raising further construction on the allegations contained in order dated 10-07-2015 (Annexure P-3).
3. Learned counsel for petitioner submits that after receipt of notice dated 10-07-2015, as directed, spot inspection was carried out on 12-07-2015 by the Revenue Inspector, which falsified the contents of order dated 10-07-2015. The petitioner submitted the aforesaid report along with his letter dated 29-12-2015 but the ban has not been lifted till date.
4. On the other hand, learned State counsel submits that notice was issued

to the petitioner not to proceed with the construction on the allegation that despite interim order, the petitioner has proceeded with the construction.

5. Dispute appears to be factual in nature. The order has been passed on 10-07-2015 on the allegations that due to construction, drainage has been affected and the petitioner is involved in filling of pond. However, the petitioner is relying upon the demarcation report dated 12-07-2015 of the Revenue Inspector. The Municipal Council is therefore, required to examine the report and the statement of the petitioner that he has not violated the terms and conditions nor involved in causing obstruction to drainage or filling of pond. The Municipality should make its own enquiry within a period of 60 days and take a decision in the matter and inform the petitioner also. In case, grievance of the petitioner is not redressed, he would be at liberty to seek appropriate remedy in the forum available to him under the law.
6. Accordingly, the petition is finally disposed off.

Sd/-
Manindra Mohan Shrivastava
Judge