

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2215 of 2015

1. Amit Pal Singh Tuteja S/o Jaspal Singh Tuteja, Aged About 35 Years Proprietor Of Keki Bar And Aishna Lodge, Station Road, Raigarh, Tahsil And District Raigarh (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Revenue Department, Mahanadi Bhavan, Mantralaya, New Raipur, District Raipur (Chhattisgarh)
2. The Collector, Raigarh P.S. And District Raigarh (Chhattisgarh).
3. The Sub Divisional Officer (R) Raigarh, District Raigarh (Chhattisgarh).
4. The Tahsildar, Raigarh, P.S. And District Raigarh (CG)
5. Municipal Corporation, Raigarh, Through The Commissioner, Municipal Corporation Raigarh (Chhattisgarh)

---- Respondent

And

WPC No. 2181 Of 2015

1. Smt. Shanti Bai Agrawal W/o Mahabir Prasad Agrawal, Aged About 68 Years Occupation House Wife, R/o Handi Chowk, Raigarh, P.S. City Kotwali, Tah & Civil And Revenue District Raigarh Chhattisgarh

---- Petitioner

Vs

1. Municipal Corporation Raigarh Through Its Commissioner, Municipal Corporation Office, Raigarh District Raigarh Chhattisgarh
2. The Collector, Raigarh, District Raigarh Chhattisgarh

---- Respondent

And

WPC No. 2302 Of 2015

1. Dr. Gopal Sharma S/o Late Shri Sawariya Sharma, Aged About 40 Years
2. Govind Sharma, S/o Late Shri Sawariya Sharma, Aged About 36 Years
3. Pushpa Devi Sharma, W/o Raviprakash Sharma, Aged About 52 Years
4. Abhishek Sharma, S/o Raviprakash Sharma, Aged About 32 Years

All of R/o Kotra Road, Raigarh, P.S. City Kotwali, Tah. & Civil And Revenue Distt. Raigarh, (Chhattisgarh)

---- Petitioner

Vs

1. Municipal Corporation Raigarh Through-Its Commissioner, Municipal Corporation Office, Raigarh, Distt. Raigarh, (Chhattisgarh)
2. The Collector, Raigarh, Distt. Raigarh, (Chhattisgarh)

---- Respondent

For respective	Shri A.K. Athale, Shri Amit Sharma & Shri Basant
Petitioners	Dewangan, Adv.
For Respondent/ State	Shri R.K. Gupta, Dy. AG
For Respondent/ Corporation	Shri Pankaj Agrawal & Shri Sudeep Agrawal, Adv.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

11/01/2016

Heard learned counsel for the parties.

1. In these three writ petitions the petitioners have assailed the action of the respondent authorities who are likely to demolish the construction carried out by the petitioners on their respective lands, which have been leased to each one of them by the State Government.
2. Learned Dy. Adv. General appearing for the State and the learned counsel appearing for the respondent Corporation would submit that the State Government or the Corporation would take action against the petitioners, if any, in accordance with law, after giving opportunity of hearing to each one of them. They would submit that in case of any such intended action, the property/ land in question shall be demarcated and measured for ascertaining the encroached area. In the event the lease area is required for any public purpose, the same shall be carried out only after taking decision on the lease in question.
3. In view of the above, all the writ petitions are disposed of with the observation that in event the respondents desired to carry out any demolition of the construction raised on the leased land or on any encroached area, the same shall be done only after carrying out the demarcation in presence of the petitioners and the petitioners shall also be provided opportunity of hearing before such action.

4. It is made clear that till the petitioners are heard and appropriate decision is taken, there shall be stay on demolition of the subject property standing on the leased area only.

Sd/-

Judge

Prashant Kumar Mishra

Gowri