

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 254 of 2016

1. Golden Sky Residents Association V I P Road, Raipur, A Society Duly Registered Under The Chhattisgarh Societies Registrikaran Adhiniyam, Having Its Registration No. 33985, Acting In The Premises Through Its Secretary Shri Prafull Pare, Son Of Shri Sridhar Pare, Aged About 45 Years, R/o A/304, Golden Sky, V I P Road, Raipur, District Raipur (Chhattisgarh)
2. Prafull Pare, S/o Shri Sridhar Pare, Aged About 45 Years R/o A/ 304, Golden Sky, V I P Road, Raipur, District Raipur (Chhattisgarh) Civil & Revenue District Raipur (Chhattisgarh)

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Urban Administration, Secretariat, Mahanadi Bhawan, Naya Raipur, District Raipur (Chhattisgarh)
2. The Municipal Corporation, Raipur Through Its Commissioner, Municipal Corporation, Raipur (Chhattisgarh)
3. The Town And Country Planning Authority Department, Through Its Director/ Joint Director, Raipur (Chhattisgarh)
4. The Tahsildar, Raipur. (Chhattisgarh)
5. M/s Arya Business Pvt. Ltd., Through Its Director Shri Niranjana Lal Zindal, R/o Satkar Hotel Lane, Station Road, Raipur (Chhattisgarh)

---- Respondents

Shri B.P.Sharma, counsel for the petitioner/s.
Shri Ramakant Mishra, Dy.A.G. for the State/ respondents 1, 3 and 4.
Shri Pankaj Agrawal, counsel for respondent No.2 on advance copy.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

01/02/2016

Heard.

The grievance of the petitioner is that respondent No.5, while developing a residential complex, has constructed a boundary wall which has encroached upon the approach road to the residential area where members of the petitioner / society

are residing.

2. Learned counsel for the petitioner, inviting attention of this Court to a Patwari report dated 04/09/2015, sent to Additional Tahsildar, Raipur indicating some encroachment over the approach road, submits that even though report has been submitted, till date, encroachment has not been removed.

3. Learned State counsel submits that the report submitted before the Tahsildar shall be duly inquired into and if it is found that any existing road has been encroached upon, proper steps in accordance with law would be taken after affording opportunity of hearing to respondent No.5 and / or other persons, if found to be encroachers.

4. In view of the aforesaid submission of State counsel, no direction is required to be passed at this stage. The petition is accordingly finally disposed off.

A copy of this order be submitted before the Tahsildar. The enquiry shall be completed as expeditiously as possible.

Sd/-

(Manindra Mohan Shrivastava)
Judge