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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 1261 of 2015**

1. M/s. Om Groups, a partnership firm duly registered under relevant provisions of the Partnership Act, 1932 acting in the premises through its partner Shri Ravi Sherwani son of Shri Vasuram Sherwani, aged about 28 years, resident of H-26, Rajeev Nagar, Raipur, (Chhattisgarh)
2. Ravi Sherwani son of Shri Varusram Sherwani, aged about 28 years, Partner, M/s. Om Groups, Raipur and resident of H-26, Rajeev Nagar, Raipur, Chhattisgarh, Civil and Revenue District Raipur.

---- Petitioners**Versus**

- 1.State of Chhattisgarh, through the Secretary, Department of Awas Evam Paryawaran, Secretariat, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh.
- 2.The Officer on Special Duty, Department of Awas Evam Paryavarn Mantralaya, Naya Raipur.
- 3.The Raipur Development Authority, through its Chief Executive Officer, Naya Raipur, District Raipur, Chhattisgarh.
- 4.The Commissioner-cum-Director, Town and Country Planning, Department Raipur, Chhattisgarh.
- 5.The Joint Director, Town and Country Planning Department, Raipur, Chhattisgarh.

---- Respondents

For Petitioner : Shri B.P.Sharma and Shri Sameer Oraon, Advocate
 For Respondent/State : Shri Y.S.Thakur, Deputy Advocate General.

Hon'ble Shri Deepak Gupta, Chief Justice**Order on Board****26/08/2016**

1. The Petitioners, by means of this petition has challenged the order dated 19.05.2015 (Annexure P/1) whereby the request of the Petitioners for grant of permission for construction of a residential colony has been rejected mainly on the ground that since the Raipur Development Authority has undertaken the job of developing a colony known as "Kamal Vihar", the application of the Petitioners cannot be allowed.
2. Shri Sharma, learned counsel appearing for the Petitioners submits that the Apex Court, in *Rajendra Shankar Shukla & Others v. State of Chhattisgarh &*

Others {(2015) 10 SCC 400} has held that the colony of Kamal Vihar has been set up illegally. This Court is not going into the other aspects of the matter but it is apparent that this ground of establishment of Kamal Vihar colony is no longer available to the State since the Apex Court has held that the Raipur Development Authority has not acted in a legal manner in setting up the colony known as Kamal Vihar. Therefore, this ground no longer exists.

3. In the aforesaid view of the matter, this petition is disposed of with a direction that the Petitioners may, within six weeks from today apply to the concerned authority for grant of permission to set up a colony. In case, such application is made, the concerned authority shall consider the same on its own merits and may take all other factors into consideration except the factor of establishment of Kamal Vihar colony.

4. It is made clear that this Court has not expressed any opinion on merits of the claim of the Petitioners. It is for the competent authority to exercise its powers in accordance with law whether the Petitioners should be granted permission or not. The decision be taken within three months from the date of filing of the representation and the decision should be conveyed to the Petitioners by way of a reasoned order. In case, the Petitioners are aggrieved by the said order, they shall be at liberty to approach this Court again.

5. With the aforesaid observations and directions, this petition is disposed of.

Sd/-
(Deepak Gupta)
CHIEF JUSTICE