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HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1605 of 2016**

- Surarilal Tamrakar S/o Badho Tamrakar, Aged About 56 Years
R/o Ward No. 14, Mohalla Kedarpur, Ambikapur, Tahsil
Ambikapur, District Surguja Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Urban
Administration And Development Department, Mahanadi
Bhawan, Mantralaya, New Raipur, Chhattisgarh
2. The Collector, Surguja Ambikapur Chhattisgarh
3. The Commissioner, Municipal Corporation, Ambikapur, District
Surguja Chhattisgarh
4. The Tahsildar, Ambikapur, District Surguja Chhattisgarh
5. The Nazul Officer, Ambikapur, District Surguja Chhattisgarh

---- Respondent

For Petitioner	Mr. Rahul Mishra, Advocate
For Respondent /State	Mr. UNS Deo, Government Advocate
For Respondent/ Corporation	Mr. Bhupendra Singh, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****13/12/2016**

1. Heard.
2. Mr. Rahul Mishra, learned counsel for the petitioner, would
submit that he is a resident of Ward No.14, Ambikapur Municipal
Corporation area, where the public way has been encroached

and the right of way enjoyed by the petitioner and other persons of the locality is being infringed. He would submit that despite repeated complaints/representations, the Municipal Corporation, Ambikapur or the Revenue authorities have not taken any action for removal of encroachment.

3. Mr. Bhupendra Singh, learned counsel for the Municipal Corporation, Ambikapur, would submit that notices have been issued to the encroachers and the proceedings are pending before the Municipal Corporation, therefore, it cannot be said that the Municipal Corporation is doing nothing in the matter.
4. Considering the repeated representations filed by the petitioner and the document Annexure P/3, whereby, the Tehsildar, Ambikapur has sent communication to the Municipal Corporation, Ambikapur, for demarcation and taking action against the encroachers, it appears that the matter is not being seriously taken care of by the authorities because Annexure P/3 would clearly indicate that when the Collector, Ambikapur directed the Tehsildar to demarcate the area, the said Tehsildar, in turn, wrote it to the Municipal Corporation and thus, none of the authorities are taking the issue to its logical end.
5. In view of the fact that the authorities are putting only lip service to the cause, ends of justice would be served if the Collector, Ambikapur, is directed to get the area in question demarcated jointly by the Municipal Corporation and the Tehsildar in presence of the members of the locality and thereafter, if any person is found to have encroached over the

area causing obstruction in the right of way of the petitioner or other members of the locality, the encroachment be removed in accordance with law.

6. Let the demarcation be carried out within a period of 06 weeks from today and thereafter, if any encroachment is found, the same be removed within a period of 03 months thereafter.
7. The writ petition stands accordingly disposed of.

Sd/-

Judge

(Prashant Kumar Mishra)

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