

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 40 of 2017

Anjali Agrawal W/o Shri Ashish Agrawal, Aged About 30 Years R/o 109 Indra Commercial Complex, T. P. Nagar, Korba, Police Station C S E B Chowki, District Korba, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh S/o Through The Secretary, Urban Administration And Development Department, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur, (Chhattisgarh)
2. Municipal Corporation, Korba, Through The Commissioner, Head Office Saket Bhavan, I.T.I. Square, Korba, District Korba, (Chhattisgarh)
3. Jila Niyamtikaran Pradhikari, Throiugh The Secretary, Collectorate, Korba, District Korba, (Chhattisgarh)
4. Building Officer, Municipal Corporation Korba, District Korba, (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Prateek Sharma, Advocate
For Respondents 1 & 3	:	Shri D.R. Minj, Dy. Govt. Advocate
For Respondents 2 & 4	:	Shri H.B. Agrawal, Sr. Advocate with Smt. Prabha Sharma, Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

25/04/2017

Heard.

1. At the outset, learned counsel for the petitioner submits that during pendency of this petition, now the competent authority under *Chhattisgarh Anadhikrit Vikas ka Niyamitikan Adhinyam (Sanshodhan)*, 2016, has passed an order regularizing the additional construction of the petitioner vide order dated 25.3.2017 by taking an amount of Rs.21,51,588/-. Therefore, now the impugned notice of the respondent-Corporation deserves to be quashed in view of subsequent events.
2. Learned senior counsel appearing for the respondent-Corporation submits that the impugned notice was given to the petitioner on the allegation of the

petitioner having violated the building permission. Now the excess construction having been regularized, at this stage, Corporation would not press the notice against the petitioner.

3. In view of the above submission so made by learned counsel for respondent-Corporation and that the order of regularization has been passed on 25.3.2017 by taking huge amount of Rs.21,51,588/- from the petitioner, the impugned notice should not be given effect to or pressed into service against the petitioner.
4. The petition is accordingly allowed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Praveen