

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No.805 of 2017**

1. Suresh Kumar S/o Ghanshyam, Aged About 47 Years R/o Motipur, Ward No. 17, Behind Collector Office, Rajnandgaon, District Rajnandgaon (Chhattisgarh).
2. Yashmin Bano, W/o Yusuf Ali, Aged About 52 Years R/o Motipur, Ward No. 17, Behind Collector Office, Rajnandgaon, District Rajnandgaon (Chhattisgarh).
3. Renu Devi, W/o Parmeshwar Singh, Aged About 51 Years R/o Motipur, Ward No. 17, Behind Collector Office, Rajnandgaon, District Rajnandgaon (Chhattisgarh).
4. Padmini Bai W/o Dhanesh Ram, Aged About 65 Years R/o Motipur, Ward No. 17, Behind Collector Office, Rajnandgaon, District Rajnandgaon (Chhattisgarh).
5. Ramdulari Bajpai, W/o Sharda Prasad Bajpai, Aged About 72 Years R/o Motipur, Ward No. 17, Behind Collector Office, Rajnandgaon, District Rajnandgaon (Chhattisgarh).

---- Petitioners**Versus**

1. State Of Chhattisgarh Through : Secretary, Town & Country Planning Department, Mahanadi Bhawan, Mantralaya, Capital Complex, Naya Raipur, District Raipur (Chhattisgarh).
2. Commissioner, Municipal Corporation, Rajnandgaon, District Rajnandgaon (Chhattisgarh).
3. Sub Divisional Magistrate, Rajnandgaon, District Rajnandgaon (Chhattisgarh).
4. Collector, Rajnandgaon, District Rajnandgaon (Chhattisgarh).
5. Tahsildar, Rajnandgaon, District Rajnandgaon, (Chhattisgarh).
6. Executive Engineer, Public Works Department Rajnandgaon, District Rajnandgaon (Chhattisgarh).

---- Respondents

For Petitioners	:	Shri Ashok Patil, Advocate
For Respondent/1 & 3 to 6:	:	Shri Sangharsh Pandey, Dy.GA
For Respondent No.2	:	Shri Dhiraj Wankhede, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****04/05/2017**

Heard.

2. This petition has been filed by the petitioners against issuance of notice by the respondent authority, which indicate that the respondents are bent upon

demolishing/dispossessing the petitioners from their present occupation.

3. Learned counsel for the petitioners submits that the petitioners are occupying the land, which are in their ownership in title and they have not encroached upon any land beyond their own property. It is further submitted that the construction, which have been raised by the petitioners, are in accordance with municipal laws.

4. It is found that the petitioners were issued various notices by the respondents and thereafter, the petitioners are apprehending that the respondents may proceed to dispossess or demolish their construction, hence, the petitioners rushed to this Court.

5. Learned counsel for respondent-Corporation, upon instructions, submits that at this stage, this petition may be disposed off with a direction to the respondent-Corporation to carry out demarcation at the spot, which alone would reveal the actual possession on the spot, as to whether the petitioners have encroached upon any land beyond their own property or whether the petitioners have raised construction without permission or in violation of permission.

6. In view of the submission made by learned counsel for the respondent-Corporation, I am of the view that this petition need not be kept pending. Accordingly, this petition is finally disposed off with a direction to the respondent-Corporation to carry out demarcation proceedings in presence of the petitioners by giving them proper notice of the date, time and place of the demarcation. This opportunity shall be afforded to the petitioner only once. It shall be ensured that the notices shall be duly served upon the petitioners. If the demarcation is carrying out, the respondent-Corporation may act in accordance with law. It goes without saying that till the demarcation proceedings are carrying out and appropriate report of demarcation is prepared, no adverse action shall be taken against the petitioners.

SD/-
(**Manindra Mohan Shrivastava**)
Judge