

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 49 of 2017

1. Smt. Jamuna Bai Manikpuri W/o Shri Ramdas Manikpuri, Aged About 62 Years R/o Tatyapara Near The Handi Talab Shivmandir Raipur, Tahsil & District Raipur (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Urban Administration Mahanadi Bhawan, Mantralaya, Naya Raipur (Chhattisgarh)
2. The Collector, Raipur, District Raipur (Chhattisgarh)
3. Municipal Corporation, Raipur Through The Commissioner Municipal Corporation, Raipur District Raipur (Chhattisgarh)

---- Respondent

And

WPC No. 53 Of 2017

1. Hansraj Vishvakarma S/o Late Rajau Vishvakarma, Aged About 53 Years R/o Tatyapara Near The Handi Talab Shivmandir Raipur, Tahsil & District Raipur (Chhattisgarh)

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, Department Of Urban Administration Mahanadi Bhawan Mantralaya, Naya Raipur (Chhattisgarh)
2. The Collector, Raipur, District Raipur (Chhattisgarh)
3. Municipal Corporation, Raipur Through The Commissioner Municipal Corporation, Raipur District Raipur (Chhattisgarh)

---- Respondent

For Petitioners	Shri Hemant Kesharwani, Advocate
For Respondent/State	Shri U.N.S. Deo, Govt. Advocate
For Respondent No.3	Shri Pankaj Agrawal, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra
Order On Board

11/01/2017

1. At the very outset, learned counsel appearing for the Municipal Corporation, Raipur, would submit that for the present the petitioners have been issued notices requiring them to produce before the Corporation any document of title possessed by the petitioners, however, the subject construction shall not be demolished without providing any opportunity of hearing to the petitioners.
2. Let the petitioners submit the required documents before the Corporation within a period of fortnight from today and, thereafter, the Corporation shall decide the issue of unauthorised construction or encroachment, as the case may be, after affording proper opportunity of hearing to the petitioners.
3. In view of the statement made by the learned counsel appearing for the respondent Corporation that the structure shall not be demolished without hearing the petitioners and without passing any reasoned order, separate protective order is not required, at this stage.
4. Accordingly, both the writ petitions stand disposed of.

Sd/-

Gowri	Judge Prashant Kumar Mishra
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