

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 270 of 2017

1. Hardeep Singh Rajpal S/o Preetam Singh, Aged About 54 Years
Occupation Agriculturist, R/o In Front Of Ware-House, Main
Road Korba, District Korba, Chhattisgarh.
2. Gurmeet Kaur, W/o Hardeep Singh Rajpal, Aged About 50 Years
Occupation Agriculturist, R/o In Front Of Ware-House, Main
Road Korba, District Korba, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Country And
Town Planning, Indrawati Bhawan, Mantralaya, P. S. Civil Lines,
Raipur, Chhattisgarh.
2. Deputy Director, Town And Country Planning Korba, District
Korba, Chhattisgarh.
3. The Commissioner, Municipal Corporation Korba, District Korba,
Chhattisgarh.
4. Collector, Korba, District Korba (Chhattisgarh)
5. Pawan Agarwal, S/o Radheshyam Agarwal, Aged About 45 Years
R/o Main Road - Sitamani, Korba, District Korba Chhattisgarh.

---- Respondent

For Petitioners	Mr. Ashutosh Shukla, Advocate
For Respondent /State	Mr. Ramakant Mishra, Dy. AG

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

8/2/2017

1. Heard.
2. The petitioners would allege that respondent No.5 is
constructing a building adjoining to the petitioners' land,

without obtaining sanction of building plan from the concerned Municipal Corporation or the Department of Town and Country Planning. The petitioners are alleging obstruction in enjoyment of their easementary right.

3. For restraining respondent No.5 in causing obstruction in enjoyment of the petitioners' easementary rights, appropriate remedy for the petitioners lies in filing a properly constituted civil suit. However, if the building itself is raised without obtaining sanction from the concerned Municipal Corporation or Department of Town and Country Planning, the petitioners may raise the issue before the said authorities.
4. If the petitioners move separate representations before the Municipal Corporation, Korba and the Department of Town and Country Planning, Korba, the said authorities shall consider and proceed in accordance with law.
5. The writ petition is accordingly disposed of.

Sd/-

Judge

(Prashant Kumar Mishra)

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