

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1828 of 2017

Dr. Badri Jaiswal S/o Late Ganesh Prasad Jaiswal Aged About 66
Years R/o In Front Of Bihari Takiz, Bilaspur, Chhattisgarh.

---- Petitioner

Versus

1. Nagar Paalika Parishad Tifra, Through Chief Municipal Officer,
Nagar Paalika Parishad, Tifra, Bilaspur, Chhattisgarh.
2. State of Chhattisgarh, Through The Secretary, Department Of
Town And Country Planning And Udhyog, Mahanadi Bhawan,
Mantralaya, Naya Raipur, Tahsil And District Raipur, Chhattisgarh.

---- Respondents

For petitioner - Shri Neeraj Choubey, Advocate.
For respondent No.1-Shri Sudeep Agrawal, Advocate.
For Respondent/State – Shri Sangarsh Pandey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

11/07/2017

1. Present petition is against the notice dated 30/06/2017 (Annexure P-1) wherein petitioner has been directed to stop construction as it is not being done according to the sanctioned map. Notice further stated that petitioner is required to remove illegal construction and to abide by the condition imposed.
2. Perusal of the document and petition would show that against the notice under challenge an appeal has been filed, which is placed as Annexure P-8.
3. Learned counsel for the petitioner submits that appeal has been preferred against such notice on 1st July, 2017.
4. Therefore, considering the submission made that already statutory

appeal under Section 307 has been preferred under the Municipalities Act, 1961 and the issue involves factual aspect, respondent No.1 is directed to decide the said appeal within a period of 45 days from today and till the appeal is decided, respondent shall not demolish the building.

5. With such observation, the petition stands disposed of.

Sd/-

(Goutam Bhaduri)

JUDGE