

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (C) No.1931 of 2017

Bhajan Lal Agrawal, S/o late Shri Ram Manorath Agrawal, aged about 66 years, resident of New Shanti Nagar, Gorkha Colony, District Raipur.

---- Petitioner

Versus

1. State of Chhattisgarh, through its Secetary, Urban Administration, Mahanadi Bhawan, Mantralaya, District Raipur (CG).
2. The Collector, Raipur, District Raipur (CG).
3. The Commissioner, Municipal Corporation, Raipur, District Raipur (CG).
4. The Zone Commissioner, Zone No.3, Municipal Corporation, Raipur, District Raipur (CG).
5. Shri Awadhesh Mishra, S/o late Shri Rajdev Mishra, aged about 55 years.
6. Shri Devendra Mishra, S/o late Shri Kamlesh Mishra, aged about 39 years.
7. Shri Ashutosh Mishra, S/o late Brajesh Mishra, aged about 26 years, respondents No.5 to 7 are resident of Pandari Tarai Raipur, Tahsil and District Raipur (CG).

--- Respondents

For Petitioner	:	Mr. Rajesh Kumar Kesharwani, Advocate
For State	:	Mr. Prasun Bhaduri, Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

14.07.2017

(1) The petitioner has filed this writ petition for directing respondents No.1 to 4 to take action against respondents No.5 to 7 for raising illegal construction upon the land of the petitioner's plot No.4 sheet No.9, khasran No.539/a(C), 540/1, total area 7750 sqft situated at Patwari Halka No.109/47, Pandari Tarai, Tahsil and District Raipur.

(2) Learned counsel appearing for the petitioner would submit that illegal construction is being made by the respondents No.5 to 7 upon the plot of the petitioner for which he has made complaint before the respondents No.1 to 4 against them, but no action has been taken till this date by the said authorities.

(3) On the other hand, learned counsel appearing for the State/respondents No.1 to 4 would oppose the submission made by the learned counsel for the petitioner and submit that civil court is already seized of the matter and passed order in favour of the respondents No.5 to 7 herein granting temporary injunction in favour of the respondents No.5 to 7 by order dated 06.10.2008.

(4) Since Civil Court is already seized of the dispute and the interim order has also been granted, this Court is not inclined to entertain the instant writ petition.

(5) Consequently, the writ petition fails and is hereby dismissed.
No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge

L/-