

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 649 of 2017

- Hirdaram Valecha S/o Late Gurnamal Valecha, Aged About 80 Years R/o Opposite Hind Sporting Ground, Lokhe Nagar Chowk, Raipur (Chhattisgarh) Civil & Revenue District Raipur (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of Town & Country Planning, Mantralaya, Mahanadi Bhawan, Naya Raipur (Chhattisgarh)
2. The Collector, District Raipur (Chhattisgarh)
3. Municipal Corporation, Raipur, Through Its Commissioner, Raipur (Chhattisgarh)
4. The Commissioner, Municipal Corporation Raipur, Chhattisgarh

---- Respondents

For Petitioner : Shri B.P. Sharma and Shri Kshitij Sharma, Advocates
For Respondent/State : Shri R.K. Gupta, Dy. Advocate General, on advance copy
For Respondent No.3 & 4 : Shri Pankaj Agrawal, Advocate, on advance copy

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

21/03/2017

1. Heard.
2. Learned counsel for the parties do not dispute that similar petition filed before this Court have earlier been disposed off vide common order dated 23/02/2017, wherein placing on record, the statement made by Corporation counsel that as and when initiates action for demolition of the petitioners' shop/house, if already not demolished, principles of natural justice would be followed.

In addition Shri Sharma also submits that the Corporation otherwise has available land, which could be used for the purpose of widening of the road. This could be raised by the petitioner in the eventuality notice is given to the petitioner and then it would be a matter for appropriate decision.

3. Shri Pankaj Agrawal, counsel for the Corporation submits that the petitioner has preferred this petition on mere apprehension without there being actual demolition of the petitioner's shop/house and as and when the Corporation decides to take steps for demolition of shop/house, if already not demolished, principles of natural justice would be followed. Accordingly this petition is also disposed off placing on record aforesaid statement.
4. It is made clear that at present this Court is not passing any order for rehabilitation of the petitioner, however, the Corporation may consider petitioner's prayer for rehabilitation in accordance with law and on its own merits.

Sd/-
(Manindra Mohan Shrivastava)
Judge