

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No.1486 of 2017

1. Smt. Fulmani Diwakar S/o W/o Gofelal Diwakar Aged About 45 Years R/o Plot No. 14, House No G/nit, Colony, Sarvoday Grih Nirman Sahkari Society, Hirapur, Raipur, Tahsil & District Raipur (Chhattisgarh)
2. Smt. Madhu Sonkar W/o Shri Ramji Sonkar, Aged About 50 Years R/o Ward No. 1, Jarvay, Sarvoday Grih Nirman Sahkari Society, Hirapur, Raipur, Tahsil & District Raipur (Chhattisgarh).

---- Petitioners

Versus

1. The State Of Chhattisgarh Through The Secretary, General Administration Department And Urban Development, Mahanadi Bhawan, Mantralaya, Naya Raipur, P.S. Rakhi, Tahsil & District Raipur (Chhattisgarh)
2. The Collector, Raipur, District Raipur (Chhattisgarh)
3. The Municipal Corporation, Raipur, Through The Commissioner, Municipal Corporation, Raipur District - Raipur (Chhattisgarh)
4. The Public Work Department, Chhattisgarh, Through The Chief Engineer, Raipur Division, Raipur District - Raipur (Chhattisgarh)

---- Respondents

For Petitioners	:	Shri S. C. Verma, Advocate
For Respondent No.1, 2 & 4:	:	Shri D. R. Minz, Dy.GA
For Respondent No.3	:	Shri Pankaj Agrawal, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

19/05/2017

Heard.

2. By this petition, the petitioner has challenged order dated 25-04-2017, by which, the petitioner has been asked to remove his construction, raised without due permission.
3. This petition has been filed by the petitioner on apprehension of demolition and dispossession on the submission that the petitioner has not been given any notice and though the petitioners are owners of the land and houses, notices have been issued to their respective husband. It is submitted that the petitioners are possessed of building permission and property documents. Even though, notices were issued in the name of

the husband of the respective petitioner, the relevant documents have been submitted with regard to ownership of the building, but the petitioners have approached this Court on the apprehension that without proper examination and scrutiny of the title documents and building permission, the petitioners may be dispossessed from their property.

4. Learned counsel for the respondent-Corporation submits that the notices were issued to the petitioners/respective husband to verify their title deeds, building permission etc. It is submitted that the documents, which have been submitted by the petitioners, shall be duly scrutinized and then only, if encroachment or illegality is found, the Corporation shall remove the encroachment or remove illegal construction in accordance with law. It is lastly submitted that if land of the petitioners are required, appropriate proceedings for acquisition or agreement would be taken recourse to in accordance with law.

5. In view of the aforesaid statement made by learned counsel for the respondent-Corporation, this petition is finally disposed off, with a direction to the respondent authority to examine the documents submitted by the petitioners and then only, the Corporation would act in accordance with law.

6. It goes without saying that the respondent authority would be at liberty to take action against the petitioners, if they have constructed building without due permission or in violation of permission, for which, application for regularization is rejected or their construction is found beyond their own land. In any case, if land of the petitioners are required for widening of the road or any other public purpose, their lands can be taken only in accordance with the prescribed procedure under the law.

7. With the aforesaid observation, this petition is finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge