

HIGH COURT OF CHHATTISGARH, BILASPUR

W. P.(C) No. 1654 OF 2017

Girja Shankar Gupta, son of late Shri Bhagwan Das Gupta, aged about 62 years, R/o. Narmadapara, Station Road Raipur, Tahsil And District Raipur (Chhattisgarh)

---- Petitioner

Versus

1. State of Chhattisgarh Through : Secretary, Urban Administration Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (Chhattisgarh)
2. Municipal Corporation, Through : Its Commissioner, Raipur (Chhattisgarh)
3. Zone Commissioner, Zone No. 2, K. K. Road, Shahid Smarak School Premises, Municipal Corporation, Raipur (Chhattisgarh)

---- Respondents

For Petitioner	:	Mr. P.P. Sahu, Advocate
For Respondent No. 1	:	Mr. Gary Mukhopadhyay, Dy. G.A.
For Respondents No. 2 & 3	:	Mr. H.B. Agrawal, Sr. Advocate with Ms. Meera Jaiswal, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16/06/2017

1. Learned counsel for the petitioner submits that the petitioner was served with a notice dated 04/06/2017 for demolition of a shop which was held by him through his predecessor. It is stated permission for superstructure exists for the spot. It is submitted that the documents were submitted to the Municipal Corporation, however without verification of the spot, unilateral demolition order has been passed. Therefore, Municipal Corporation should be directed to verify the fact whether with respect to the existing permission and identity of plot the superstructure was raised over same or not.
2. Learned counsel for the Municipal Corporation submits that the Municipal Corporation shall verify the documents and thereafter

will proceed in the issue whether demolition is warranted or not and will verify the identity of plot along with permissible structure.

3. In view of this, the Municipal Corporation is directed to verify the documents submitted by the petitioner as also verify the identity of the shop whether it has been constructed over the area, for which, the permission exists and thereafter shall pass suitable order. During such verification process there shall be stay of the demolition.
4. With such observation, the writ petition stands disposed of.

Sd/-

(Goutam Bhaduri)
Vacation Judge

Yogesh