

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 201 of 2017

1. Shakila Beghum W/o Mohd. Nisar, Aged About 48 Years, R/o Devendra Nagar, Near Railway Crossing, Raipur, District Raipur (Chhattisgarh)
2. Mohd. Nawab, S/o Shoukat Ali, Aged About 48 Years R/o Devendra Nagar, Near Railway Crossing, Raipur, District Raipur (Chhattisgarh)
3. Mohd. Javed, S/o Hafijdin Mohammad, Aged About 42 Years, R/o Devendra Nagar, Near Railway Crossing, Raipur, District Raipur (Chhattisgarh)
4. Mohd. Nizam, S/o Mohd. Nisar, Aged About 31 Years, R/o Devendra Nagar, Near Railway Crossing, Raipur, District Raipur (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Department Of Urban Administration, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur (Chhattisgarh)
2. Municipal Corporation Raipur Through Municipal Commissioner Raipur, District Raipur (Chhattisgarh)
3. Zone Commissioner, Zone No. 2, Municipal Corporation Raipur, District Raipur (Chhattisgarh)
4. Chhattisgarh Sadak Vikas Nigam Limited, Through The Managing Director, 3rd Floor, Sirpur Bhawan Premises, Civil Lines, Raipur, District Raipur (Chhattisgarh)

---- Respondents

For Petitioners	Shri Jitendra Pali, Advocate
For Respondent-State	Shri Shashank Thakur, GA
For Respondent-Corporation	Shri Kashif Shakeel, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

27/01/2017

1. Shri Kashif Shakeel, learned counsel appearing for the respondent Corporation on advance notice, would submit, at the outset, that the subject land was the railway land, which has since been handed over to the State Government for construction of four lane road and to facilitate such construction, the Corporation has undertaken demolition drive to remove encroachment. Learned State counsel would also submit that to ease the traffic congestion in the Raipur City, it is necessary to construct the road so that smooth flow of traffic is maintained for the benefit of public at large.
2. Learned counsels for the respondents would jointly submit that the petitioners would be offered alternative accommodation under the BSUP Scheme, within the terms and conditions applicable to all other allottees under the said scheme, after examining the petitioners' eligibility and entitlement.
3. Considering the fact that the petitioners claim to be in possession of the subject land since long, it would be in the interest of justice to provide some breathing period to them to remove their belongings, therefore, it is directed that the Corporation shall not demolish the subject structure for a

period of 15 days from today. On petitioners' removal of encroachment, the respondent Corporation shall consider their entitlement and eligibility for allotment of alternative accommodation under the BSUP Scheme, within the terms and conditions of the said scheme. On expiry of period of fifteen days from today, the Corporation would be at liberty to take steps for demolition of the subject construction and encroachment.

4. With the above observation, the writ petition stands disposed of.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA

Nirala