

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 205 of 2017

1. Chandela Vihar Kalyan Society, Society Registration No.10260 Ring Road 2, Bilaspur, Dist. Bilaspur Chhattisgarh, Through Its President, Shri K.R. Dayal, S/o Ram Prasad Dayal, Aged About 44 Years, R/o Chandela Nagar, Ring Road 2, Bilaspur, Dist. Bilaspur (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Urban Administration And Development Department, Mahanadi Bhawan, Mantralaya, Naya Raipur Chhattisgarh.
2. Municipal Corporation Bilaspur, Through Its Commissioner, Nehru Chowk, Bilaspur, District Bilaspur Chhattisgarh.

---- Respondent

For Petitioner

Shri Amrito Das, Advocate

For Respondent/State

Shri U.N.S. Deo, Govt. Adv.

For Respondent No.2

Shri H.B. Agrawal, Sr. Adv. with Ms.
Meera Jaiswal, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

02/02/2017

1. The petitioner, a society of residents of Chandela Vihar Colony, is aggrieved by the action taken by the respondent Corporation to close the opening earlier provided in the divider on the Gaurav Path, Bilaspur.

2. It is argued that the said closing is done in pursuance to the Commissioner, Bilaspur, letter dated 20-12-2016, however, name of the subject location is not mentioned in the said letter. Referring to Section 317 of the Chhattisgarh Municipal Corporation Act, 1956 (for short 'the Act, 1956'), it is argued that for closing a public street the Corporation has to obtain prior sanction from the State Government, which has not been done in the present case.
3. Per contra, learned counsel for the respondent Corporation would submit that one of the petrol pump, referred in the Commissioner's letter, challenging the closing of divider has preferred a civil suit wherein prayer for temporary injunction has been rejected. He would also submit that provisions contained in Section 317 of the Act, 1956 is not attracted because closing a divider does not amount to closing a public street.
4. In a matter like this, where the action has been taken for smooth flow of traffic, to avoid accident, the Corporation takes action considering several factors, therefore, it would be proper for the petitioner to move the concerned Corporation by preferring a representation highlighting the difficulties faced by the members of the petitioner association.

5. Let the petitioner move a representation before the Corporation within a period of 15 days and, thereafter, the Commissioner, Municipal Corporation, Bilaspur, shall decide the same objectively in accordance with law within a period of next 15 days.
6. Accordingly, the writ petition stands disposed of.

Sd/-

Judge
Prashant Kumar Mishra

Gowri