

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 339 of 2017

- Prannath Janghel S/o Preetlal Janghel, Aged About 63 Years R/o Ward No. 8, Motipur, Near Kai Talab, Rajnandgaon, District Rajnandgaon, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Government Of Chhattisgarh Town And Country Planning, Mahanadi Bhawan, New Raipur, District Raipur, (Chhattisgarh)
2. The Commissioner, Municipal Corporation Rajnandgaon, District Rajnandgaon, (Chhattisgarh)
3. The Collector, Rajnandgaon, District Rajnandgaon, (Chhattisgarh)

---- Respondent

For Petitioner	Mr. Ashok Patil, Advocate
For Respondent/State	Mr. Shashank Thakur, Government Advocate
For Respondent No.2	Mr. K. Shakeel, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

15/2/2017

1. Heard.
2. Petitioner has called in question the legality and validity of the notice Annexure P-1 issued by the Municipal Corporation, Rajnandgaon directing the petitioner to remove unauthorized construction and encroachment over the government land.
3. Mr. Ashok Patil, learned counsel for the petitioner would submit

that before issuing the impugned notice, the petitioner has not been heard nor any procedure has been adopted to ascertain whether or not the petitioner has encroached any government land, therefore, the notice should not be acted upon.

4. Mr. Kasif Shakeel, learned counsel for the respondent Municipal Corporation, Rajnandgaon and Shri Shashank Thakur, learned GA for the State would oppose the writ petition.
5. Considering the entire facts circumstances of the case, the writ petition is disposed of with direction to the Municipal Corporation, Rajnandgaon to demarcate the area occupied by the petitioner in his presence and thereafter, if the petitioner is found to encroach upon any government land, the corporation shall proceed in accordance with law.
6. Till the demarcation is carried out, the subject construction shall not be demolished.

Sd/-

Judge

(Prashant Kumar Mishra)

Shyna