

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2144 of 2017

Smt. Kiran Vaish W/o Shri Gaya Prasad Vaish Aged About 55 Years R/o
Kashyap Colony, Gali Number 3, Bilaspur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Urban Administration, Mahanadi Bhawan, Mantralaya, Naya Raipur, Chhattisgarh.
2. Municipal Corporation Bilaspur, Through Commissioner, Municipal Corporation, Vikas Bhavan, Nehru Chowk, Bilaspur, Chhattisgarh.
3. Commissioner, Municipal Corporation Bilaspur, Corporation Office, Vikas Bhavan, Nehru Chowk, Bilaspur, Chhattisgarh.

---- Respondents

For Petitioner : Shri Amrito Das, Advocate
For Respondents : Smt. Pushpa Dwivedi on behalf of Shri A.S. Kachhawaha,
Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

03/08/17

Heard.

The petitioner's claim is that the boundary wall constructed by the petitioner to protect her land was demolished by the Municipal Corporation unauthorizedly and without giving any prior notice to the petitioner. Therefore, the petitioner is entitled for compensation for the damages.

2. I have heard learned counsel for the petitioner.

3. In the considered opinion of this Court, it is a fit case where the petitioner can file a suit for declaration of title and permanent injunction before the jurisdictional Civil Court. If such a suit is filed by the petitioner along with application for temporary injunction, the

jurisdictional Civil Court can do well to consider and decide the application for temporary injunction expeditiously.

4. With the aforesaid observations, the writ petition is dismissed.

Sd/-
(**Sanjay K. Agrawal**)
Judge

Priyanka