

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No.3260 of 2017**

1. Surjit Singh Bhatia S/o Late Harbansh Singh Bhatia Aged About 68 Years R/o Main Road Dayalband, Bilaspur, Tahsil And District Bilaspur Chhattisgarh.
2. Mahendra Singh Bhatia S/o Late Harbansh Singh Bhatia Aged About 66 Years R/o Main Road Dayalband, Bilaspur, Tahsil And District Bilaspur Chhattisgarh.
3. Amolak Singh Bhatia S/o Late Harbansh Singh Bhatia Aged About 64 Years R/o Main Road Dayalband, Bilaspur, Tahsil And District Bilaspur Chhattisgarh.
4. Gurmeet Singh Bhatia S/o Late Harbansh Singh Bhatia, Aged About 62 Years R/o Main Road Dayalband, Bilaspur, Tahsil And District Bilaspur Chhattisgarh.
5. Indrapal Singh Bhatia S/o Late Harbansh Singh Bhatia, Aged About 60 Years R/o Main Road Dayalband, Bilaspur, Tahsil And District Bilaspur Chhattisgarh.
6. Prince Bhatia S/o Shri Gurmeet Singh Bhatia Aged About 35 Years R/o Main Road Dayalband, Bilaspur, Tahsil And District Bilaspur Chhattisgarh.

---- Petitioners

Versus

1. The State Of Chhattisgarh Through The Secretary, Urban Administration And Development, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur Chhattisgarh.
2. The Secretary, General Administrative Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur Chhattisgarh.
3. The Secretary, Revenue Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur Chhattisgarh.
4. The Collector, Bilaspur, Tahsil And District Bilaspur Chhattisgarh.
5. Municipal Corporation Bilaspur Through The Commissioner, Municipal Corporation, Bilaspur, Tahsil And District Bilaspur Chhattisgarh.

---- Respondents

For Petitioners	:	Mr.S.C.Verma, Advocate
For Respondents No.1 to 4	:	Mr.Dhiraj Wankhede, G.A.
For Respondent No.5	:	Mr.Pankaj Agrawal, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board**06/12/2017

1. Heard on the question of admission.

- 2.** Mr.S.C.Verma, learned counsel for the petitioners, would submit that the action taken by the Municipal Corporation, Bilaspur to close the opening earlier provided in divider on the Gourav Path, Bilaspur by which the petitioners' business prospect is being affected is unsustainable and bad in law.
- 3.** Mr.Dhiraj Wankhede, learned Government Advocate for respondents No.1 to 4 and Mr.Pankaj Agrawal, learned counsel for respondent No.5, would submit that petitioner No.6-Prince Bhatia has also filed civil suit in the name of Bhatia Fuels before the jurisdictional Civil Court for permanent injunction against the Municipal Corporation, Bilaspur and the State Government, in which it has been claimed that decree for permanent injunction be granted restraining the construction of divider, which is pending consideration before the Civil Court.
- 4.** I have heard learned counsel for the parties, considered their rival submissions made herein-above and also gone through the records with utmost circumspection.
- 5.** Closure of opening earlier provided in divider on Gourav Path, Bilaspur is purely a executive decision of the competent authority. This Court cannot interfere in the writ petition of the petitioners merely on the ground that business prospect of the petitioners will affect on closure of opening earlier provided in the divider on Gaurath Path, Bilaspur. However, in the civil suit filed by petitioner No.6-Prince Bhatia, other petitioners may also join or they may be at liberty to file civil suit as it involves

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disputed question of fact, which cannot be examined in the writ petition.

- 6.** Accordingly, the petitioners are at liberty to approach the jurisdictional civil Court for redressal of their grievances or seek impleadment in the civil suit already filed by petitioner No.6-Prince Bhatia and amend the pleadings, if any.
- 7.** With the aforesaid observation, the writ petition is disposed off accordingly. No cost(s).

Sd/-

(Sanjay K. Agrawal)

Judge

B/-