

HIGH COURT OF CHHATTISGARH, BILASPUR

WP (C) No. 1730 of 2016

- 1 (i) Smt. Reshma, Wd/o Late Shri Bheemsen Rohra, Aged about 50 years
(ii) Prakash Rohra, S/o Late Shri Bheemsen Rohra, Aged about 26 years
(iii) Akash Rohra, S/o Late Shri Bheemsen Rohra, Aged about 22 years
All residents of Jhulelal Ward, Sindhi Camp Tilda, P.S. Tilda-Nevra, District Raipur (CG)
2. Ramchandra Thawrani, S/o Late Shri Changulmal Thawrani, aged about 70 years, R/o Gayatri Mandir Road, Gurunanak Ward, Tilda, P.S. Tilda-Nevra, District Raipur

---- Petitioners

Versus

1. State Of Chhattisgarh Through: The Secretary, Urban Administration Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, (Chhattisgarh)
2. Public Works Department, State Of Chhattisgarh, Through Its Secretary, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, (Chhattisgarh)
3. Municipal Council Tilda Nevra, A Body Incorporated Under The Provisions Of Chhattisgarh Municipal Act, 1961, Through Its Chief Municipal Officer, Municipal Council Tilda Nevra, Tahsil Tilda, District Raipur, (Chhattisgarh)
4. The Tahsildar, Tahsil Tilda, District Raipur, (Chhattisgarh)

---- Respondents

WP (C) No. 1701 of 2016

Vivek Sharma, S/o Shri Dilip Kumar Sharma, aged about 34 years, R/o Deep Complex, Station Chowk, Ward No.16, Tilda, P.S. Tilda-Nevra, District Raipur (CG)

---- Petitioner

Versus

1. State Of Chhattisgarh Through: The Secretary, Urban Administration Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, (Chhattisgarh)
2. Public Works Department, State Of Chhattisgarh, Through Its Secretary, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, (Chhattisgarh)
3. Municipal Council Tilda Nevra, A Body Incorporated Under The Provisions Of Chhattisgarh Municipal Act, 1961, Through Its Chief Municipal Officer, Municipal Council Tilda Nevra, Tahsil Tilda, District Raipur, (Chhattisgarh)
4. The Tahsildar, Tahsil Tilda, District Raipur, (Chhattisgarh)

And

WP (C) No. 1880 of 2016

1. Vinay Agrawal, S/o Late Shri Raj Kumar Agrawal, aged about 33 years, R/o Near Station Chowk Tilda, P.S. Tilda-Nevra, District Raipur (CG)

2. Kanta Devi Agrawal, Wd/o Late Shri Brijmohan Agrawal, aged about 65 years, R/o Near Station Chowk Tilda, P.S. Tilda-Nevra, District Raipur (CG)
3. Girdharilal Agrawal, S/o Late Shri Natthulal Agrawal, aged about 65 years, R/o Near Station Chowk Tilda, P.S. Tilda-Nevra, District Raipur (CG)

---- Petitioners

Versus

1. State Of Chhattisgarh Through: The Secretary, Urban Administration Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, (Chhattisgarh)
2. Public Works Department, State Of Chhattisgarh, Through Its Secretary, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, (Chhattisgarh)
3. Municipal Council Tilda Nevra, A Body Incorporated Under The Provisions Of Chhattisgarh Municipal Act, 1961, Through Its Chief Municipal Officer, Municipal Council Tilda Nevra, Tahsil Tilda, District Raipur, (Chhattisgarh)
4. The Tahsildar, Tahsil Tilda, District Raipur, (Chhattisgarh)

For Petitioners	:	Mr.Bhaskar Payasi, Advocate
For State	:	Mr.P.K.Bhaduri, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

5/7/2017

1. Since common question of law and fact are involved in the present writ petitions, they are heard together and being disposed of by this common order.
2. The petitioners are apprehending demolition of their buildings/shops constructed over bhumiswami lands in violation of proviso to sub-section (8) of Section 187 of the Chhattisgarh Municipalities Act, 1961 without providing an opportunity of hearing to them.
3. This Court has issued notice to Municipal Council Tilda Nevra, but no one has appeared to oppose the writ petitions.
4. No opportunity has been given to the petitioners before making the order for demolition of their shops/buildings.
5. Accordingly, the writ petitions are disposed of with a direction that if

the Municipal Council Tilda Nevra proposes to take any action, he will issue notice to the petitioners in accordance with law and in turn, the petitioners will submit reply within 10 days from the date of receipt of notice and thereafter to pass the order. Interim relief granted on 11.7.2016 shall remain in force for a period of three weeks. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge

B/-