

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 862 of 2017

1. Mahesh Patel S/o Shri Arjun Bhai Patel, Aged About 40 Years R/o Amapara Market, Police Station Azad Chowk, Raipur, District Raipur (Chhattisgarh).
2. Gurbaksh Singh Kalra, S/o Late Shri Jugender Singh Kalra, Aged About 47 Years R/o Amapara Market, Police Station Azad Chowk, Raipur, District Raipur (Chhattisgarh).
3. Prem Singh Dhami S/o Late Inder Singh Dhami, Aged About 51 Years R/o Amapara Market, Police Station Azad Chowk, Raipur, District Raipur (Chhattisgarh).
4. Shankar Lal Lakhwani, S/o Shri Ranjhamal Lakhwani, Aged About 50 Years R/o Amapara Market, Police Station Azad Chowk, Raipur, District Raipur (Chhattisgarh).

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Urban Administration, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur (Chhattisgarh).
2. Raipur Municipal Corporation, Through Its Commissioner Raipur (Chhattisgarh).

---- Respondents

For Petitioners	:	Shri Sunil Otwani, Advocate
For Respondent No.1/State	:	Shri Dhiraj Wankhede, Govt. Advocate
For Respondent No.2/Corporation	:	Shri H. B. Agrawal, Senior Advocate with Shri Ashwani Shukla, Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

17/05/2017

Heard.

1. This petition has been filed by as many as four petitioners on the apprehension that respondent- Municipal Corporation may demolish the superstructure raised by the petitioners.
2. The averments made in the petition are that the petitioners are occupying their

own land and building and they have not encroached on any Govt. land. Two of the petitioners have been given notices, one on 30.5.2016 and the other on 17.2.2017 alleging that they have encroached on Govt. land.

3. While learned counsel for the petitioners submits that the petitioners have not encroached on any Govt. land, learned counsel for respondent-Municipal Corporation submits that action is being taken against encroachers.
4. It is found that the issue is purely of factual nature. All that can be done at this stage is to direct the demarcation to be made at the spot. The Corporation shall give notice to the petitioners indicating date, time and place of demarcation and then proceed to demarcate. Thereafter, if according to Corporation, any encroachment is found, it will be open for them to proceed in accordance with Law. If the demarcation report is disputed by the petitioners, their remedy would be to file a suit.
5. Learned counsel for the petitioners also made a submission that if the petitioners are not found to have encroached, then also, they would be willing to give a part of their land which is needed for widening of road provided they are paid proper compensation. This statement is taken on record, which will be considered by the respondent-Municipal Corporation in the event it is found that the petitioners have not encroached on any Govt. land.
6. The petition is accordingly finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge