

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 811 of 2017**

Pawan Kumar Hanumanta S/o Late K. R. Hanumanta, Aged About 64
Years R/o Bajrang Nagar Raipur, Post & Thana Raipur, District Raipur
(Chhattisgarh) **---- Petitioner**

Versus

1. State Of Chhattisgarh Through : The Secretary, Urban Administration
Department, Mahanadi Bhawan, New Raipur (Chhattisgarh)
2. Commissioner, Municipal Corporation, Raipur, District Raipur
(Chhattisgarh) **---- Respondents**

For Petitioner	:	Mr. Somkant Verma, Advocate
For State	:	Mr. R.K. Gupta, Dy. A.G., on advance copy
For Respondent No.2	:	Mr. Kashif Shakeel, Advocate, on advance copy

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****03/04/2017**

Heard on admission.

1. By this petition, the petitioner has prayed for a direction to respondent to pay proper compensation before demolishing the constructed area. The petitioner has also prayed for direction to the second respondent to decide the pending representation dated 16.03.2017 before any demolition exercise is undertaken.

2. The claim of the petitioner in this petition is that the petitioner has constructed a house on his own land after taking due building permission from the second respondent. He submits that since 2010, the Municipal Corporation has been issuing notices to the petitioner requiring him to submit his document of his title, due permission etc. and every time, the petitioner has submitted document but till date, no order has been passed against him. He submits that the apprehending demolition, the petitioner filed this petition on 29.03.2017.

He submits that a letter has been issued to the petitioner on 25.03.2017 again requiring him to submit a document regarding title, which shows that the respondent without making any inquiry, and may proceed to demolish the structure any time, giving rise to this petition.

3. Learned counsel for respondent No.2, on advance copy, submits that the apprehension of the petitioner is not well founded. The notice given to the petitioner only shows that before taking any action, due and proper inquiry has been contemplated and the petitioner is required to submit his document. Learned counsel for respondent No.2 submits that on the submission of document of the petitioner, the authority shall make due verification and examination before taking any decision in the matter and will act in accordance with the provision of the Municipal Corporation Act, in case, the respondent requires any land of the petitioner widening of the road.

4. The prayer for grant of compensation, at this stage, cannot be directed unless it is found that the respondent have acquired the land of the petitioner. It is only when respondent decide to take land of the petitioner for the purposes of widening of road that an issue would arise for consideration of claim of compensation.

5. In view of the submission made by learned counsel for respondent No.2, I think, the apprehension of the petitioner, does not appear to be well founded. The petition is disposed off with liberty, in case any cause of action arises for the petitioner.

Sd/-
(Manindra Mohan Shrivastava)

J U D G E