

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 986 of 2017

Paritosh Kumar Sarkar S/o Shri Bhim Chandra Sarkar, Aged About 45 Years R/o
Ward No. 5, Nagar Panchayat Malhar, District Bilaspur (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Urban Administration, Mahanadi Bhawan, Naya Raipur (Chhattisgarh)
2. The Collector, Bilaspur (Chhattisgarh)
3. The Chief Municipal Officer, Nagar Panchayat Malhar, District Bilaspur Chhattisgarh.
4. The S D O (Revenue), Masturi, District Bilaspur, Chhattisgarh
5. The Tahsildar, Masturi, District Bilaspur, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Kalyan Kalamkar, Advocate
For Respondents No.1, 2, 4 & 5	:	Shri Chandresh Shrivastava, Panel Lawyer
For Respondent No.3	:	Shri Rahul Tamaskar, Advocate

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

Order On Board

02/05/2017

Heard.

1. This petition has been filed by the petitioner aggrieved by the notice dated 22nd March, 2017 by which he has been asked to remove illegal constructions, failing which, appropriate action would be taken.
2. Learned counsel for the petitioner submits that the petitioner has not encroached upon any land beyond his own land and that he has also not made any illegal constructions.
3. From the documents and material on record, it appears that there is a dispute with regard to aforesaid facts and on one hand, the local body has given notice based upon some report of inspection that there is encroachment, whereas, the petitioner denies this allegation. The enquiry essentially would require evidence

and finding on disputed questions of facts which cannot be gone into by this writ petition.

4. According to the petitioner, he has submitted a representation that a notice was affixed on the building. All that can be done at this stage is to direct respondent No.3, to examine the reply of the petitioner. Even if thereafter, the respondents are not satisfied with reply of the petitioner, the petitioner's remedy would be to file a suit against the respondents.
5. The petition is accordingly finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Praveen