

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No.1034 of 2017

- Mahesh Kumar Gupta S/o Shri Hori Shankar Gupta, Aged About 37 Years R/o Opposite Jagannath Mandir, Sadar Bazar, Raipur (Chhattisgarh). Civil & Revenue District Raipur (Chhattisgarh)

---- **Petitioner**

Versus

1. The Municipal Corporation Raipur Through Its Commissioner, Municipal Corporation, Raipur (Chhattisgarh)
2. The Commissioner, Municipal Corporation, Raipur Chhattisgarh
3. The Zone Commissioner, Zone No. 7, Municipal Corporation, Raipur (Chhattisgarh)

---- **Respondents**

For Petitioner	:	Shri B. P. Sharma with Shri Sameer Uraon, Advocates
For Respondents	:	Shri Pankaj Agrawal, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

16/05/2017

Heard.

2. The petitioner has challenged the action of the respondent-Corporation in issuing notice under Section 310 of the Chhattisgarh Municipal Corporation Act, 1956, requiring the petitioner to pull down/demolish the building, which is in dilapidated condition and alleged to have been destroyed in the fire break out.
3. Learned counsel for the petitioner submits that the condition of the building is not of such a condition that it has become necessary to pull down. He submits that if reasonable opportunity is afforded to the petitioner to submit representation along with necessary technical advice, he will be in a position to satisfy the Corporation authorities that the building is repairable and need not be pull down. Learned counsel for the petitioner further added that it may not be

necessary to pull down the whole building because fire break out in the 3rd and 4th Floor of the building.

4. Whether the building is in dilapidated condition, after the fire incident, so as to require it to be pulled down or in a repairable condition without taking any step of demolition of building, is a matter of consideration by the competent authority and this issue cannot be decided in the writ petition. The only procedural safeguard, which can be granted to the petitioner is that if the petitioner submits his representation along with technical report within a period of 15 days from today before the Commissioner, Municipal Corporation, the Commissioner shall consider the same and take appropriate decision thereon in accordance with law.

5. Learned counsel for the petitioner submits that in case, contention of the petitioner is accepted by the Corporation, he may be required to carry out certain renovation work, for which, permission would be necessary.

6. It goes without saying that if contention of the petitioner is accepted by the Corporation, he will be required to get permission from the Corporation for renovation of the building.

7. With the aforesaid observations, this petition is finally disposed off.

SD/-
(**Manindra Mohan Shrivastava**)
Judge