

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1386 of 2017

1. Subhash Soni S/o Late Shri Mangilal Soni Aged About 34 Years R/o Shyam Talkies Chowk, Budhapara, Raipur, District Raipur (Chhattisgarh)
2. Shiv Kumar Soni, S/o. Shri Jagram Soni, Aged About 52 Years R/o Shyam Talkies, Chowk, Budhapara, Raipur, District Raipur (Chhattisgarh)
3. Santosh Devi Soni, W/o. Late Shri Mangilal Soni, Aged About 62 Years R/o Shyam Talkies, Chowk, Budhapara, Raipur, District Raipur (Chhattisgarh)
4. Tulsi Bai Soni, W/o Late Shri Jagram Soni, Aged About 84 Years R/o Shyam Talkies, Chowk, Budhapara, Raipur, District Raipur (Chhattisgarh)

---- Petitioners

Versus

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

---- Respondents

Shri Bhaskar Payashi, counsel for the petitioner/s.
Shri Pankaj Agrawal, counsel for the respondents.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

15/05/2017

In this case, the petitioners have assailed correctness and validity of notice (Annexure P/1) by which, the petitioners have been asked to demolish the building which suffered fire. The notice states that the building has dilapidated and dangerous for human living.

2. Learned counsel for the petitioners submits that a notice has been given to the petitioners to demolish the building without there being any clinching material to show that the building condition is such that it cannot be repaired and that no

other course, except to demolish the building, is available. He submits that the petitioner may be granted one opportunity to satisfy the authorities on this aspect.

3. The inspection report dated 19/04/2017 has been filed by the respondents along with their reply. The petitioners, in these circumstances, are granted opportunity of 15 days to submit representation and place before the authority any material to convince that in the present case, it is not necessary to demolish the building for alleged danger.

4. Reply of the petitioners shall be taken into consideration and thereafter, the respondents may proceed on their own satisfaction upon consideration of material on record including representation and documents of the petitioners.

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

Certified copy by tomorrow.

Sd/-
(Manindra Mohan Shrivastava)
Judge