

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (PIL) No. 28 of 2015**

Naresh Bichhiya S/o Bihari Lal Bichhiya Aged About 41 Years R/o. Tikarapara,
Near Water Tank, Janakpur, Ward No. 17, Kanker, P.S. Kanker, Civil And
Revenue District North Bastar Kanker (Chhattisgarh)

---- Petitioner**Versus**

1. State of Chhattisgarh Through : The Secretary, Urban Administration Department, Mantralaya, Mahanadi Bhawan, New Raipur (Chhattisgarh)
2. Secretary, Health & Family Welfare Department, Mantralaya, Mahanadi Bhawan, New Raipur (Chhattisgarh).
3. Commissioner, Bastar Division, Office At Jagdalpur, District Bastar (Chhattisgarh)
4. Collector, North Bastar Kanker (Chhattisgarh)
5. Chief Municipal Officer, Municipality Kanker. District North Bastar Kanker (Chhattisgarh)

---- Respondents

For Petitioner : Shri Yogesh Chandra, Advocate.
For Respondent/State : Shri Y.S. Thakur, Additional Advocate General
For Respondent No.5 : Shri Akhilesh Kumar, Advocate

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri Sharad Kumar Gupta, Judge.

Order on Board**Per Thottathil B. Radhakrishnan, Chief Justice****13/07/2017**

1. This writ petition is filed in public interest. We have perused the pleadings and the documents on record.
2. We have heard the learned counsel for the Petitioner, the learned Additional Advocate General for the State and the learned counsel for the 5th Respondent – Municipal Council, Kanker.
3. The complaint of the Petitioner is that a construction activity is being carried on abutting the Diwan Talab, Kanker. We have seen the materials on record

including the photographs placed by the Petitioner. It was noticed during the earlier hearing that the Urban Administration Development Department of the Government, has proposed a State sponsored Scheme named “Navin Sarovar Dharohar Yojna” (New Lake Heritage Scheme) for which, Guidelines have been issued by the State Urban Administration Agency of the State of Chhattisgarh. We have perused that Scheme issued by the State Government through the Urban Administration and Development Department. We are of the view that the plea of the Petitioner appears to be well founded that the said Scheme could not be ignored, but ought to be effectuated, while carrying out any activity in the precincts of any Talab.

4. Hence, we order this writ petition directing the 3rd Respondent- Commissioner, Bastar Division, 4th Respondent- Collector, North Bastar Kanker and the 5th Respondent- Chief Municipal Officer of the Municipal Council, Kanker to ensure that there is no construction activity in any manner violating the provisions of “Navin Sarovar Dharohar Yojna” and the guidelines issued by the State Urban Development Agency. We, however clarify that it would be open to the Commissioner and the Collector to consider whether the Scheme applies to the pond in question and if any other clarificatory orders are required from the State Government, including as regards the structure in question, that may be sought for from the State Urban Development Agency and/or the Urban Administration and Development Department of the State of Chhattisgarh.
5. The writ petition is ordered accordingly.

Sd/-

(Thottathil B. Radhakrishnan)
CHIEF JUSTICE

Sd/-

(Sharad Kumar Gupta)
JUDGE