

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 30 of 2018

- Thakur Ram Kumbhkar S/o Shri Gendlal Aged About 46 Years R/o Anurag Nagar Mahatma Gandhi Ward No. 25 Pandri Tarai , District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Appellant

Versus

1. State of Chhattisgarh Through The Secretary Department Of Urban Administration Mantralaya D K S Bhawan , Raipur, Chhattisgarh, Presently Indravati Bhavan, New Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. The Commissioner , Municipal Corporation Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. The Collector, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
4. Shri Dev Ji Bhai Patel R/o of Timber Market , Fafadih Devndra Nagar District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
5. Shri Shrichand Sundrani , Presently (M L A) R/o Katora Talab Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondents

For Appellant	: Shri JK Gupta, Advocate
For State	: Shri RK Gupta, Deputy Advocate General
For Municipal Corporation	: Shri HB Agrawal, Senior Advocate with Smt Prabha Sharma, Advocate

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

Judgment on Board

Per Thottathil B. Radhakrishnan, Chief Justice

19.01.2018

- 1) This Writ Appeal stands with an application seeking condonation of delay.
- 2) We have heard the learned counsel for the appellant and the learned counsel for the respondents.

3) The Writ Petition was filed challenging a notice dated 07.09.2016 issued by the Zone Commissioner of Raipur Municipal Corporation directing the petitioner to remove an unauthorized construction. It appears that the petitioner was granted a lease under the provisions of Madhya Pradesh Nagriya Kshetro ke Bhumiheen Vyakti (Pttadhrati Adhikaro ka Pradan kiya Jana) Adhiniyam, 1984. It is not in dispute that the said lease was cancelled on 25.05.2012. Therefore, the learned Single Judge held that there is no illegality in the Zone Commissioner having directed the removal of the unauthorized construction. However, the learned Single Judge has, quite rightly, preserved the petitioner's right to challenge the order dated 25.05.2012, as per which the lease was terminated.

4) In the aforesaid view of the matter, we do not find any error of jurisdiction or illegality in the impugned judgment of the learned Single Judge warranting interference through this intra Court appeal. This Writ Appeal, therefore fails. The application seeking condonation of delay also therefore, does not merit acceptance. In the result, the application seeking condonation of delay and the Writ Appeal are dismissed without prejudice to the petitioner enjoying what has been reserved in his favour as per the last paragraph of the impugned order.

Sd/-
(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-
(Sharad Kumar Gupta)
Judge