

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (C) NO. 997 OF 2012**

Praveen Mehta, S/o Late Kalika Prasad Mehta, aged about 54 years, R/o Babupara, Ambikapur, District Surguja (C.G.) **... Petitioner**

versus

1. State of Chhattisgarh, through: the Secretary, Department of Urban Administration, D.K.S. Bhawan, Raipur, District Raipur (C.G.)
2. Town and Country Planning Department, through its Director, Town and Country Planning Department, Chhattisgarh, D.K.S. Bhawan, Raipur, District Raipur (C.G.)
3. Director, Town and Country Planning Department, Chhattisgarh, D.K.S. Bhawan, Raipur, District Raipur (C.G.)
4. Collector, Surguja, Ambikapur, District Surguja (C.G.)
5. Municipal Corporation, Ambikapur, through- its Commissioner, Municipal Corporation, Ambikapur, District Surguja (C.G.)
6. Commissioner, Municipal Corporation, Ambikapur, District Surguja (C.G.)
7. Town & Country Planning Department, Regional Office, Ambikapur, through- Joint Director, Town & Country Planning Department, Namnakala, Ambikapur, District Surguja (C.G.)
8. Sub- Divisional Officer (Revenue), Ambikapur, District Surguja (C.G.)

... Respondents

For Petitioner	:	Ms. Rashul Bhavnani , Advocate, under instructions of Mr. Manoj Paranjpe, Advocate.
For Respondents 1, 2, 3, 4, 7 & 8	:	Mr. Ashutosh Pandey, Panel Lawyer.
For Respondents 5 & 6	:	Mr. Bhupendra Singh, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

18/07/2018

1. The present writ petition was filed challenging the show cause notice dated 15.5.2012, Annexure P-1, passed by the Municipal Corporation, Ambikapur.
2. The matter pertains to notice of demolition issued of alleged encroachment upon the municipality land.
3. This Court on 23.5.2012 had passed the following interim order :-

“In view of the totality of fact situation obtaining in the present case as well as the documents filed along with the writ petition, as an interim measure, it is ordered that the respondents No. 5 & 6 shall decide the representation/reply dated 17.5.2012 (Annex. P/2) submitted by the petitioner within a period of 15 days from the date of receipt of this order and in the meantime status quo shall be maintained by the parties in respect of the petitioner's house in question.”

4. Today when the matter is called up, learned Counsel for the Petitioner submits that in spite of specific directions given by this Court on 23.5.2012 the Respondents have not proceeded further and have not decided the representation/objection which the Petitioner has filed as a reply to the show cause notice, i.e., Annexure P-2, as earlier as on 17.5.2012.

5. Considering the facts and circumstances of the case and also taking note of the fact that the matter has been pending consideration so long and the Commissioner, Municipal Corporation has till date not decided the Annexure P-2 in spite of specific direction given by this Court, in my opinion no fruitful purpose would be served in keeping the petition pending any further, rather, ends of justice would meet if the present writ petition itself is disposed of with a direction to the Respondents No. 5 & 6 to decide the representation of the Petitioner pending consideration since 17.5.2012 in accordance with the law applicable and thereafter to proceed further in accordance with law. Meanwhile, as long as the representation of the Petitioner is not decided the Respondents would be restrained from proceeding further with the impugned show cause notice.

6. With the aforesaid direction, the writ petition stands disposed of.

Sd/-

(P. Sam Koshy)
Judge