

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (PIL) No. 54 of 2018**

1. Naresh Tejwani, Aged About 46 years, S/o Shri H.L. Tejwani, R/o Behind Malwa Hotel, Gurunanak Nagar, Durg (C.G.)
2. Smt. Kavita Kingrani, W/o Shri Darshan Kingrani, Aged About 39 years, R/o Ward no.24, Gurunanak Nagar, Durg, Post & P.S. Mohan Nagar, Durg (C.G.)

**---- Petitioners****Versus**

1. State of Chhattisgarh Through Secretary, Town and Country Planning, Mahanadi Bhawan, Capital Complex, New Raipur, District Raipur (C.G.). P.S. Rakhi.
2. Municipal Corporation, Durg, Through the Commissioner, Municipal Corporation, Durg (C.G.)
3. Pramod Agarwal, S/o Late Shri Krishna Sewak Agarwal, aged about 65 years, R/o Krishna Bhawan, Tamer Para, Durg P.S. City Kotwali, Durg, Tehsil and District Durg (C.G.)
4. Saurabh Agarwal, S/o Pramod Kumar Agarwal, aged about 37 years, R/o Krishna Bhawan, Tamer Para, Durg, P.S. City Kotwali, Durg, Tehsil and District Durg (C.G.)
5. State of Chhattisgarh, Through Secretary, Department of Urban Administration, Mahanadi Bhawan, Capital Complex, New Raipur, District Raipur (C.G.). P.S. Rakhi.
6. Director, Town and Country Planning, Durg (C.G.)

**---- Respondents**


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|---------------------------|---|-----------------------------------------------------------------------------|
| For Petitioners           | : | Shri Rahul Tamaskar, Advocate.                                              |
| For Respondent No.1/State | : | Shri A.S. Kacchawaha, Additional Advocate General.                          |
| For Respondent No.2       | : | Shri H.B. Agrawal, Senior Advocate assisted by Smt. Preeti Yadav, Advocate. |
| For Respondent Nos.3 & 4  | : | Shri Ashish Surana, Advocate.                                               |

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**Hon'ble Shri Ajay Kumar Tripathi, Chief Justice****Hon'ble Shri Justice Pritinker Diwaker****Order on Board****Per Ajay Kumar Tripathi, Chief Justice****17.07.2018**

1. Heard counsel for the Petitioner and counsel for the Respondents.

2. In a PIL, this Court will not come in the way of execution of a valid decree passed by a Civil Court or competent jurisdiction which any way has been pending execution since in the year 1983.
3. So far as, the issue raised by the private Petitioner about the importance of the road being kept wide or open for use of the public is concerned, the issue can be looked into by the Municipal authority, keeping in mind that as per the master plan, there is a provision to expand the road for which no steps for the time being has been taken.
4. The Petitioner is free to approach the Municipal authority who will examine the matter independently. The possession of the land in question however has to be handed over to the private Respondent Nos.3 & 4, to abide by the Civil Court declaration.
5. The writ is otherwise dismissed.

Sd/-

**(Ajay Kumar Tripathi)**  
**Chief Justice**

Sd/-

**(Pritinker Diwaker)**  
**Judge**