

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2407 of 2018**

- Jitendra Kumar Nirmalkar S/o Late Shri Suklal Nirmalkar Aged About 45 Years, Ex- Counciller, Nagar Palika Parshad, Balod And President, Gandhi Bhawan Nirman Samiti Navin Gatith, Ward No. 7, Jawaharpara Balod, District Balod Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Revenue Department Mahanadi Bhawan Naya Raipur, Raipur Chhattisgarh.
2. Collector, Balod District Balod Chhattisgarh
3. Tehsildar Balod, Tehsil And District Balod Chhattisgarh.
4. Nagar Palika Parishad, Balod Through Chief Municipal Officer, Nagar Palika Parishad, Balod District Balod Chhattisgarh.,

---- Respondent

For Petitioner	Mr. Anup Majumdar, Advocate
For Respondent /State	Mr. PK Bhaduri, Govt. Advocate

Order On Board By**Hon'ble Mr. Justice Prashant Kumar Mishra****28/8/2018**

1. Heard.
2. The petitioner is Ex-Councillor of Nagar Pallika Parishad. He is aggrieved by construction of Gandhi Bhawan on the *Aabadi* land, which has not been formally transferred to the Nagar Panchayat yet the construction is going on despite there being stay order(s) by the Tehsildar and the Collector.

3. If there is a stay order by the Collector, the petitioner should have moved before the Collector rather than approaching this Court by preferring a writ petition.
4. In so far as objection to construction of Gandhi Bhawan in the absence of the land being formally handed over is concerned, the petitioner has no locus to challenge such construction. If the construction is stayed, it will affect the development work within the Municipal area.
5. Whether or not the land has been properly transferred to the Nagar Panchayat, is to be looked into by the Collector within the parameters of the provisions contained in Section 100 to 102 of the Chhattisgarh Municipalities Act, 1961.
6. It is for the Collector or the State Government to look into matter and not for the Writ Court to stop construction of a public utility building which would benefit the members of public within the Municipal area.
7. The writ petition has no substance, it deserves to be and is hereby dismissed.

Sd/-

(Prashant Kumar Mishra)

Judge

Shyna