

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2556 of 2018

1. Anita Pandey, W/o Shri Prashant Pandey, Aged About 32 Years, R/o- F-115, Rajdhani Vihar, Behind Shanti Sarovar Ashram, Vidhan Sabha Road, District- Raipur, Chhattisgarh
2. Punam Dubey, W/o Shri Arun Kr. Dubey, Aged About 27 Years, R/o F-120, Rajdhani Vihar, Behind Shanti Sarovar Ashram, Vidhan Sabha Road, District- Raipur, Chhattisgarh
3. Kasturi Devi, W/o Shri Bahadur Singh, Aged About 43 Years, R/o- F-120, Rajdhani Vihar, Behind Shanti Sarovar Ashram, Vidhan Sabha Road, District- Raipur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through- The Secretary, Department Of Urban Administration, Mantralaya, Mahanadi Bhawan New Raipur, Chhattisgarh
2. Raipur Municipal Corporation, Through Its Commissioner, Municipal Corporation Raipur, Chhattisgarh
3. Town and Country Planning Through- Its Managing Director, Raipur, Chhattisgarh
4. M/s Pandhe Infracons Pvt. Ltd. Through- Its Director, Having Its Office At 157, Railway Lines, Near Kaljapur Maruti Mandir, Solapur, 413001, Maharashtra
5. M/s Surya Land Developers Through- Its Partner- Pranay Khemka, Age 41 Years, S/o Shri Ashok Khemka, R/o- Avanti Vihar Colony, Raipur, Chhattisgarh

---- Respondents

For Petitioners	Shri Sharad Mishra, Advocate
For Respondent-State	Shri Shashank Thakur, GA
For Respondent-Corporation	Shri Pankaj Agrawal, Advocate

Hon'ble Justice Mr. Prashant Kumar Mishra

Order On Board

18/09/2018

1. Petitioners are the residents of Rajdhani Vihar, Raipur. They are aggrieved by the construction raised by the respondent No.4 contrary to the sanctioned map and layout approved by the respondent No.2, Municipal Corporation causing immense inconvenience to the residents of the colony. It is also submitted that the respondent No.4 is raising construction in such a way that the width of the internal road of the colony would be reduced to half and that the said road is illegally constructed over the land reserved for EWS. It is also submitted that the representation submitted before the Municipal Corporation, Raipur on 31.07.218 has not yet been considered and decided by the Municipal Corporation.
2. Considering the nature of issues raised in the writ petition, it would be appropriate, if the matter is first considered and decided by the Municipal Corporation, Raipur by a reasoned order. While deciding the petitioner's above representation, the Municipal Corporation shall cause to demarcate the entire area in the presence of parties to ascertain as to whether the construction made or planned to be made on the spot is contrary to the sanctioned map and layout. If the Corporation reaches to the conclusion that the construction is contrary to the law or against the sanctioned map or layout, the Corporation would be at liberty to take action in accordance with law for removal of the illegal or unauthorized construction. Let the entire proceedings be completed within a period of 3 months.
3. The writ petition stands disposed of.

Sd/-
Prashant Kumar Mishra
Judge