

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 889 of 2014**

- Kashi Ram Sahu S/o Late Shri Keju Raj Sahu Aged About 58 Years R/o New Mandi Road, Rajiv Gandhi Ward No. 22, Fafadih, P.S. Devendra Nagar, Raipur Distt. Raipur C.G.

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through Secretary, Department Of Minerals, Mantralaya Mahanadi Bhawan, Naya Raipur, Tehsil, Post and Thana Naya Raipur C.G. 492002
2. Raipur Municipal Corporation Through Its Commissioner Raipur, C.G.

---- Respondents

For Petitioner	:	Shri Sunil Otwani, Advocate
For Respondent/State	:	Shri Anmol Sharma, PL
For Respondent No.2	:	Shri Sachidanand Yadav, Advocate appears on behalf of Shri Kashif Shakeel, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****01/05/2019**

1. Heard.
2. The present petition is filed on the ground that the superstructure of the petitioner, which is situated at Patwari Halka No.102, Fafadih, Raipur, was subject of demolition for ensuing widening of the road.
3. Learned counsel for the petitioner would submit that as per the return filed by the respondent municipal corporation he referred to para 3 of the return wherein

it is stated that at present no cause of action has arisen as no notice for acquisition of any land of the Petitioner or to demolish the structure of the petitioner is pending or notice is served which may cause any apprehension as stated by the Petitioner to seek such relief. Therefore, the petition may be disposed of with direction that if in future the cause of action so arises, the petitioner may be given the liberty to approach the Court as and when needed.

4. Perused the return of the municipal corporation. Primarily the petition was against the threat of demolition of superstructure by the municipal corporation for widening of road. As per the reply of the municipal corporation, the Corporation has stated that presently no acquisition is proposed and demolition of the superstructure is also not proposed. Therefore, in view of the reply filed by the corporation, the petition is disposed of with observation that the cause of action, if so arises in future, the petitioner may approach the appropriate forum as available to him under the law. It is further observed that before any such action of demolition is contemplated, the petitioner shall be given due notice and shall be duly heard.

Sd/-

Goutam Bhaduri
Judge

Ashu