

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPPIL No. 68 of 2018**

Paras Chand Jain S/o Dharam Chand Jain Aged About 53 Years R/o Plot No. 465-B, Samata Colony, Raipur, District - Raipur Chhattisgarh.

---- Petitioner**Versus**

1. Chapparau Panchyat Trust Through Shri Mohan Lal Keswani, S/o Late Shri Moti Ram Keswani, President Office At R/o Nahar Para, Bhagwati Metadoor Transport Raipur, District Raipur Chhattisgarh.
2. State Of Chhattisgarh Through Registrar Co-Operative Societies, D.K.S. Bhawan, Raipur Chhattisgarh
3. Samata Co-Operative Housing Society Samata Colony, Raipur, Through President.
4. Municipal Corporation Raipur, Through Commissioner, Municipal Corporation, Raipur, District Raipur Chhattisgarh.
5. Executive Engineer Building Permission Samata Colony Area Zone, Municipal Corporation Raipur, District Raipur Chhattisgarh.

---- Respondents**WPC No. 4327 of 2007**

Ramashankar Pande S/o Shri K.N. Pandey, Aged 42 years, Plot No.E487, Co-operative Housing Society, Samata Colony, Raipur

---- Petitioner**Versus**

1. Chapparau Panchyat Trust through Shri Mohan Lal Keswani, S/o Late Shri Moti Ram Keswani, President office at R/o Nahar Para, Bhagwati Metadoor Transport Raipur, District Raipur
2. Municipal Corporation Raipur through Commissioner Raipur, Chhattisgarh
3. Zone Executive Incharge Zone No.7 Municipal Corporation Raipur District Raipur
4. State of Chhattisgarh through Secretary Local Govt. DKS Bhawan Raipur Chhattisgarh
5. Samata Co-operative Housing Society Samata Colony Raipur through President

---- Respondents**WPC No. 4328 of 2007**

1. Shiv Kumar Singhaniya S/o Shri Jamuna Lal Singhaniya aged 48 years R/o Plot No.471 Samata Colony Raipur District Raipur
2. Arun Kumar Jain S/o Shri Kailash Chand Jain aged 36 years R/o Plot No.365-A Raipur
3. Purshottam Singhaniya S/o Shri Jamuna Lal Singhaniya aged 41 years R/o Plot No.465-B
4. Prabhu Dayal Sarawagi S/o Shankar Lal Sarawagi aged about 45 years R/o Plot No.467 All residents of Samata Colony Raipur District Raipur

---- Petitioners**Versus**

1. Chapparau Panchyat Trust Through Shri Mohan Lal Keswani S/o Late Shri Moti Ram Keswani President office and R/o Nahar Para Bhagwati Metadoor Transport Raipur District Raipur

2. Municipal Corporation Raipur through Commissioner Raipur Chhattisgarh
3. Zone Executive Incharge, Zone No.7 Municipal Corporation Raipur District Raipur
4. State of Chhattisgarh through Secretary Local Govt. Urban Development Housing Environment DKS Bhavan Raipur Chhattisgarh
5. Samata Co-operative Housing Society Samata Colony Raipur through President Samata Colony District Raipur
6. District Magistrate Raipur Chhattisgarh

---- Respondents

For Petitioner	: Shri Amiyakant Tiwari, Advocate.
For Respondent No.1	: Shri Sunil Otvani, Advocate.
For Respondent/State	: Shri R.S. Baghel, Deputy Advocate General.
For Respondent/Corporation	: Shri Pankaj Agrawal, Advocate.

Hon'ble Shri Prashant Kumar Mishra, Acting Chief Justice
Hon'ble Shri Parth Prateem Sahu, Judge

Order on Board

Per Prashant Kumar Mishra, Acting Chief Justice

04/04/2019

1. These writ petitions have been preferred for a direction to cancel the allotment of building situated at plot Nos.472 and 473, Samata Colony, Raipur to respondent No.1 for the reason that the said respondent is allowing the building to be used for social gathering causing public nuisance.
2. On 22.01.2019, this Court had directed respondent No.1 to file affidavit by way of an undertaking as to whether they are willing to abide by the law.
3. Shri Asan Das Pidwani, President and Shri Vijay Amesar, Secretary of respondent No.1/Chapparau Panchyat Trust, a society registered under the Societies Registrikaran Adhiniyam, 1973 have filed affidavits stating that building situated at plot Nos.472 and 473, Samata Colony, Raipur would be used only for residential purpose. Neither public function nor other function would be held in the property in question and they would abide by the law.

4. In view of the undertaking, no further order is required to be passed in these writ petitions. The undertaking is taken on record and the writ petitions are disposed off accordingly. It is made clear that the undertaking shall be binding on the Chapparur Panchayat Trust irrespective of change in the executive body of the said Trust.

5. The building of Chapparur Panchayat Trust sealed by the Municipal Corporation shall be released by tomorrow.

Sd/-

(Prashant Kumar Mishra)
Acting Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge