

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2158 of 2011

Smt. Renu Chouhan Dead Through Lrs W/o Shri Sanjeev Chouhan R/o Dipak Nagar Durg Cg

Ku. Surbhi Chouhan S/o Shri Sanjeev Chouhan Aged About 24 Years
Sanjeev Chouhan S/o Shri N.S. Chouhan Aged About 55 Years
Abhishek Chouhan S/o Shri Sanjeev Chouhan Aged About 25 Years

All are R/o Deepak Nagar, Near Ayudhya Apartment, District- Durg, Chhattisgarh

---- Petitioner

Versus

1. Municipal Corporation Durg S/o Through The Commissioner, Municipal Corporation, Durg, Chhattisgarh,
2. The Commissioner Municipal Corporation Durg Cg

---- Respondents

For Petitioner : Mr. S. Oraon on behalf of Mr. B.P. Sharma,
Advocate
For Respondents : Mr. Yashwant Thakur, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

25.04.2019

Heard

1. The present petition is against the order dated 07.12.2010 (Annexure P-1) issued by the Municipal Corporation, Durg wherein it is alleged that the permission granted to the petitioners for construction has been cancelled without giving an opportunity of hearing. The return filed by the Municipal Corporation which is supported by the affidavit and the photographs purport that the construction has not been commenced on the said plot for which the alleged permission for construction has been cancelled.

2. Considering the grievance of the petitioner and the respective reply that no construction had commenced and petition have been filed for cancellation of the order dated 07.12.2010 on the ground that no hearing was given before the impugned order was passed, in given facts of the case, the order dated 07.12.2010 is hereby quashed. The respondents are given liberty to hear the petitioners afresh and thereafter shall pass a fresh order with respect to the building permission concern.
3. It is further observed that the said procedure may be carried out within a further period of six months from the date of receipt of the copy of this order. In the facts of this case, the quashment of letter dated 07.12.2010 shall not automatically revive the earlier construction permission, which was ordered, till the petitioners are heard afresh and fresh orders are passed.
4. With such observations, the petition stands disposed of.

Sd/-
(Goutam Bhaduri)
Judge