

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1925 of 2019

Smt. Mohini Devi Jain, W/o. Late Shri Ghewar Chand Jain, Aged About 83 Years, R/o. Motor Stand Ward, Police Station City Kotwali, Dhamtari, District Dhamtari Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh, Through Secretary, Urban Administration Department, Mahanadi Bahwan, Mantralaya, Atal Nagar, District Raipur Chhattisgarh.
2. The Collector Dhamtari, District Dhamtari, Chhattisgarh.
3. The Commissioner, Municipal Corporation Dhamtari, District Dhamtari Chhattisgarh.

---- Respondents

For Petitioner : Shri Rajesh Kumar Kesharwani, Advocate

For State Respondents : Smt. Smita Ghai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

01/07/2019

1. The present petition is filed for the following reliefs :

“(i). The Hon'ble Court may kindly be pleased to direct the respondent authorities to take action on the complaint made by the petitioner against Kushal Chand Jain, Vijay Kumar & Paras Chand Jain for the illegal construction work done over the land of the petitioner.

(ii) That, the Hon'ble Court may kindly be pleased to grant any other relief, as it may deem fit and appropriate.

(iii) Cost of the petition may also be given.”

2. Learned counsel for the petitioner submits only short grievance of the petitioner is that one Kushal Chand Jain, Vijay Kumar & Paras Chand Jain are raising illegal construction who are neighbours & relatives of the

petitioner without any lawful sanction of the Municipal map and the construction is being made against the norms of the Municipal Corporation. He submits that though the complaint was made to the Municipal Corporation but no action has been taken by the Municipal Corporation. He further submits that as per Section 293 of the Municipal Corporation Act, 1956 unless and until the map is sanctioned, no construction or alteration or erection of the building can be done. Therefore, the Commissioner, Municipal Corporation/ Officer concerned may be directed to decide the complaint of the petitioner.

3. Perused the documents.
4. Without any observation on the merit of this case as to whether the alleged construction is legal or illegal, the primary allegations have been leveled that the neighbours who are related to petitioner are raising illegal construction, therefore, considering the same, it is directed that the application of the petitioner may be heard after giving opportunity of hearing to the other party also within a period of 45 days. It is further made clear that the Court has not made any observation on the merit of this case touching the legality of the construction if any, so raised.
5. With such observation, the petition stands disposed off.

Sd/-
Goutam Bhaduri
Judge