

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1922 of 2019

1. Sanjay Bathija S/o Rajkumar Bathija Aged About 25 Years
2. Nikhil Bathija S/o Sandeep Kumar Bathija Aged About 19 Years
Namrta Garments, Shop No. J-4, Pandri Cloth Market, Raipur
Chhattisgarh, Both are R/o Shree Krishna Kunj, Near Anandpur
Ashram, Lalpur, Behind Fruit Market, Raipur District Raipur
Chhattisgarh., District : Raipur, Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through Secretary, Urban Administration And
Development Department, Mahanadi Bhawan, Mantralaya, New
Raipur Chhattisgarh.
2. Raipur Development Authority District Raipur Chhattisgarh.
3. The Municipal Corporation Raipur, Through Commissioner, Zone No.2,
Raipur, District Raipur Chhattisgarh.
4. The Town And Contry Planning Raipur Chhattisgarh.

---- Respondents

For Petitioner	Shri Sachin Nidhi, Advocate.
For Respondent No.1/State	Shri Jitendra Pali, Dy. A.G. with Smt. Sunita Jain, G.A.
For Respondent Nos. 2 & 3	Shri Pankaj Agrawal, Advocate.

Hon'ble Smt. Justice Rajani Dubey

Order On Board

27/05/2019

1. In view of the order passed by this Court in WPC No.1900/2019,
Chandra Bai Vs State of Chhattisgarh and others on 24.05.2019,
wherein it was ordered as under:-

“Perused the order dated 03.05.2018 passed in WP (PIL) 12 of 2018
which finds reference in notice Annexure P-1. In such order the
Division Bench of this Court has directed that the encroachments in
the Pandri Cloth Market, Raipur shall be identified and dealt with by
the Corporation in accordance with law. Primary reading of the notice
would show that the petitioner has not encroached the land but notice
is served for removing the additional/ illegal construction. Therefore,

the direction given in WP (PIL) 12 of 2018 may not be directly applicable for the reasons stated in the notice. The petitioner as appears has not been heard before issuance of such direction. Under the circumstances, it is directed that the petitioner in pursuance to the notice dated 08.05.2019 may file their respective representations/submissions within a period of thirty days from today before the Municipal Corporation, Raipur, who will decide the same objectively taking into the spirit of the order passed in WP (PIL) No.12 of 2018 within a further period of 3 months from the date of representation after giving fair opportunity of hearing to the petitioners after hearing them afresh. Therefore, for the present, the notice dated 08.05.2019 shall not be acted upon till then. It is further directed that the petitioner shall not cause any encroachment over the subject area or shall not obstruct the way in any manner which may lead to obstruction of traffic.”

2. Accordingly, the present writ petition is disposed of.
3. Copy of the order passed in WPC No.1900/19 referred to above be placed on record of the present writ petition.

Sd/-
(Rajani Dubey)
Vacation Judge