

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPC No. 2635 of 2019**

1. Ravi Kumar Iswani, Aged About 39 Years, S/o Late Hansraj Iswani Shop No.- 33, Textile Market, Pandri, Raipur, Tahsil And District Raipur Chhattisgarh.
2. Smt. Chanda Iswani, Aged About 50 Years, W/o Naresh Kumar Iswani Shop No.-34, Textile Market, Pandri, Raipur, Tahsil And District Raipur Chhattisgarh.
3. Naresh Kumar Iswani, Aged About 50 Years S/o Late Hansraj Iswani Shop No. 35, Textile Market, Pandri , Raipur, Tahsil And District Raipur Chhattisgarh.

**---- Petitioners**

**Versus**

1. State Of Chhattisgarh, Through Secretary, Urban Administration And Development Department, Mahanadi Bhawan
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 Country Planning Raipur, Chhattisgarh.

**--- Respondents**

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For petitioners – Shri Sachin Nidhi, Advocate.  
For State-Shri Sudeep Verma, Dy.G.A.  
For respondents No.2 &3 -Shri Pankaj Agrawal and Smt. Prabha Sharma, Advocates.

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order**

**01/08/2019**

Heard.

1. Learned counsel for the petitioners submits that similar issue has been dealt and orders have been passed in WPC No.1796 of 2019 on 16/05/2019 and similar order may be passed.
2. Learned counsel for the respondents do not dispute the fact that similar issue has been decided by this court.
3. This court in WPC No.1796 of 2019 has passed the following orders at para 3:-

“3. 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 opening of one more shutter towards the road. 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.”

4. It is ordered accordingly. The observation made in para 3 in WPC No.1796 of 2019 shall also be applicable in this case too qua the petitioners.

5. In view of the above, this petition stands disposed of.

Sd/-

(Goutam Bhaduri)

JUDGE