

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 25 of 2016

1. Ramsharan Yadav S/o Shri Pyarelal Yadav, Aged About 52 Years R/o Tiwari Colony, Warehouse Road, Bilaspur, Thana Civil Lines, Tehsil And District Bilaspur Chhattisgarh
2. Smt. Asha Devi Kushwaha, W/o Shri Narendra @ Narayan Kushwaha, Aged About 52 Years R/o Magala, Bilaspur, Thana Civil Lines Tehsil And District Bilaspur Chhattisgarh
3. Deepmala Kushwaha, D/o Shri Narendra @ Narayan Kushwaha, Aged About 27 Years R/o Magala, Bilaspur, Thana Civil Lines Tehsil And District Bilaspur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Housing And Environment, Mahanadi Bhawan Mantralaya, New Raipur Chhattisgarh
2. Director, Directorate Of Town And Country Planning (Nagar Tatha Gram Nivesh), Indrawati Bhawan, Block No. 4, Third Floor, New Raipur Chhattisgarh
3. Joint Director, Town And Country Planning (Nagar Tatha Gram Nivesh), Regional Office, Collectorate, Bilaspur Chhattisgarh
4. Municipal Corporation Bilaspur, Vikas Bhawan, Near Nehru Chowk, Bilaspur, Chhattisgarh Through Its Commissioner
5. Arpa Special Area Development Authority, First Floor, Ashok Pingley Bhawan, Near Nehru Chowk, Bilaspur, District Bilaspur Chhattisgarh Through Its Chairman
6. Chief Executive Officer, Arpa Special Area Development Authority, First Floor, Ashok Pingley Bhawan, Near Nehru Chowk, Bilaspur, District Bilaspur Chhattisgarh
7. Collector, Bilaspur, District Bilaspur Chhattisgarh
8. Sub Divisional Officer (Revenue), Bilaspur, Tehsil And District Bilaspur Chhattisgarh
9. District Registrar, Old Composite Bilaspur, District Bilaspur Chhattisgarh

---- Respondent

WPC No. 2696 of 2016

- Praneet Housing HUF, A Proprietorship Firm Through Its Manager, Rakesh Goswami, S/o Shri K.P. Goswami, Aged About 44 Years, R/o Tiranga Chowk Khusalpur, Raipur Distirct Raipur Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Housing Environment, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur Chhattisgarh
2. Director, Directorate Of Town And Country Planning Indrawati Bhawan, Block No 4, 3rd Floor, New Raipur, Chhattisgarh
3. Joint Director, Town And Country Planning, Regional Office, Collectorate, Bilaspur Chhattisgarh
4. Municipal Corporation, Bilaspur Through The Commissioner, Vikas Bhawan, Near Nehru Chowk, Bilaspur Chhattisgarh
5. Arpa Special Area Development Authority, 1st Floor, Ashok Pingle Bhawan Near Nehru Chowk Bilaspur, District Bilaspur Chhattisgarh Through Its Chairman
6. Chief Executive Officer, Arpa Special Area Development Authority, 1st Floor, Ashok Pingle Bhawan, Near Nehru Chowk, Bilaspur, Distirct Bilaspur Chhattisgarh
7. Collector, Bilaspur, Collectorate, Distirct Bilaspur Chhattisgarh
8. Sub Divisional Officer (Revenue), Bilaspur District Bilaspur Chhattisgarh
9. District Registrar, Old Composite Building, Bilaspur, Distirct Bilaspur Chhattisgarh
10. Shri Susheel Pateriya, R/o Flat No. 104, Block C, Sai Parisar, Shrikant Verma Marg, Bilaspur, Chhattisgarh.
11. Shri Nitin Ghai, R/o Ward No. 20, Ram Nagar Ward, Gondpara, Bilaspur, Chhattisgarh
12. Shri Balwant Rai, S/o Shri Jadav Rai, R/o 1st Floor, Sai Nivas Commercial Complex, Torwa, Bilaspur Chhattisgarh
13. Shri Sakhendra, S/o Shri Ishwar Prasad, R/o Near Village Panchayat Office, Mopka, Post Office Mopka, Bilaspur, Chhattisgarh
14. Shri Satish Ghai, S/o Shri Indrasen Ghai, Ward No. 20, Ram Nagar

Ward, Gondpara Bilaspur, Chhattisgarh.

15. Shri Vishwanath Dahariya, S/o Shri Ram Swaroop Dahariya, R/o Dahariya Kirana Store, N T P C Road, Seepat, Village Mopka, District Bilaspur Chhattisgarh

---- Respondent

For Respective
Petitioners

Mr. Amrito Das and Mr. Harshwardhan,
Advocates

For Respective
Respondents

Mr. Alok Bakshi, Additional Advocate
General, Mr. Prafull Bharat, Mr. AS
Kachhwaha, Mr. BL Sahu, Mr. Harshal
Chouhan and Mr. Ravindra Agrawal,
Advocates

Order On Board By

Hon'ble Mr. Justice Prashant Kumar Mishra

22/1/2019

1. Heard.
2. Learned Additional Advocate General, on instructions, submits that the State Government has decided to allow sale, purchase and development including construction on private lands falling within the Arpa-SADA project without NOC of the Arpa-Sada authority.
3. Learned counsel for the petitioners would submit that the writ petitions were necessitated because the Arpa-SADA authority was not taking any decision in the matter albeit informed that decision shall be taken after DPR for Arpa-SADA project is finalised.

4. In view of the statement made by learned Additional Advocate General today, this Court is of the considered view that presently, the issue raised in the writ petitions need not be gone into.
5. The writ petitions are, therefore, disposed of with observation that if the petitioners have required permission/sanction/approval for development including construction, they would be at liberty to proceed further in the matter without obtaining NOC from Arpa-SADA.

Sd/-

(Prashant Kumar Mishra)

Judge

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