

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2928 of 2019

Sudarshana Kohli W/o Late Shri Satyapal Kohli Aged About 75
Years R/o Masanganj, Azad Chowk, Bilaspur, District Bilaspur,
Chhattisgarh

---- Petitioner

Versus

1. Commissioner, Municipal Corporation Bilaspur District Bilaspur,
Chhattisgarh
2. Building Officer, Municipal Corporation Bilaspur, District Bilaspur,
Chhattisgarh
3. Vansh Kohli S/o Ashok Kumar Kohli, R/o Ring Road No. 2,
Bilaspur, District Bilaspur, Chhattisgarh

--- Respondents

For petitioner-Shri Sumit Singh Rathore, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order

28/08/2019

Heard.

1. Instant petition has been filed for the following reliefs:-

“(1) That, this Honb'le Court may kindly be pleased to direct the respondent No.1 & 2 to take immediate action under Section 307 of Municipal Corporation Act for removal of the illegal and unauthorized construction over the land of petitioner bearing khasra No.434/17.

(2) That, the Hon'ble Court further pleased to grant such other relief(s) as may be deemed fit and proper in the interest of justice and fair play.”

2. It is contended on behalf of the petitioner that respondent No.3 who is grand son of the petitioner is raising an illegal construction over a land which belong to the petitioner. It is contended that the petitioner is in possession of the said land wherein illegal construction has been raised which came to the notice of the petitioner after information was obtained

under Right to Information Act. It is further contended that there has been dispute is pending in between the family members of the petitioner including the petitioner.

3. Be that as it may, the nature of dispute as has been shown it is private dispute *inter se* between the parties. The petitioner claiming certain land to be of her own wherein it is alleged that respondent No.3 is illegally raising construction. In such case the petitioner has to prove before the court that the land belong to her and she is in possession for which this court cannot go into a roaming enquiry under Article 226 of the Constitution of India. It is a matter to be decided by the Civil Court and the petitioner after filing necessary civil suit wherein the court can adjudicate the right of the parties, quantum of possession and the ownership. The petitioner instead of filing the civil suit has filed the instant petition. Since there is disputed question of fact, I am not inclined to entertain the instant petition.

4. Accordingly, the petition is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE