

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 444 of 2019

(Arising out of Order dated 28.08.2019 in WPC-2928 of 2019)

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

---- Appellant

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 Appellant : Shri Sumit Singh Rathore,
Advocate

For Respondents/Municipal Corporation : Shri AS Kachhawaha, Advocate

Hon'ble Shri PR Ramachandra Menon, Chief Justice &
Hon'ble Shri Justice Parth Prateem Sahu
Judgment on Board

Per PR Ramachandra Menon, CJ
04.10.2019

1. The appeal arises from the Order dated 28.08.2019 passed by learned Single Judge in Writ Petition (C)-2928 of 2019 whereby interference was declined and the Writ Petition was dismissed holding that the nature of relief sought for by the petitioner with regard to alleged illegal construction being effected by the third respondent, who is none other than the grand son of the petitioner/appellant, after encroaching into the property of the appellant was virtually a civil dispute that required to be redressed by filing a civil suit.

2. Learned counsel for the appellant submits that the prayer of the appellant in this appeal is only to cause consideration of the grievance projected by the appellant before the respondent/Municipal Corporation as per Annexure P3.
3. We heard Shri AS Kachhawaha, learned standing counsel representing the Municipal Corporation.
4. Considering the limited nature of relief sought for and proposed to be given and further since we do not intend to go into merits of the case, we do not find it necessary to issue notice to the third respondent.
5. The appeal is disposed off directing the first respondent to consider Annexure P3 and pass appropriate orders in accordance with law, after affording an opportunity of hearing to the appellant, the 3rd respondent and also to the other interested parties, if any, within three months from the date of receipt of a copy of the judgment.
6. The appellant shall produce a copy of judgment along with a copy of the Writ Appeal and a full text of the Writ Petition before the first respondent for further steps.

Sd/-
(PR Ramachandra Menon)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge