

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 4597 of 2019

1. Maa Vaishnav Associates Private Limited, Through Its Proprietor Sanjay Agrawal, S/o Mahangilal Agrawal, Aged About 45 Years, Baikunthpur, District : Koriya (Baikunthpur), Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Urban Administration Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District : Raipur, Chhattisgarh
2. Director, Directorate, Urban Administration Department, Indrawati Bhawan, Atal Nagar Nawa Raipur, District : Raipur, Chhattisgarh
3. Chief Municipal Officer, Municipal Corporation Baikunthpur, District : Koriya (Baikunthpur), Chhattisgarh
4. Assistant Director, Nagar Tatha Gram Nivesh, Regional Officer, Ambikapur, District : Surguja (Ambikapur), Chhattisgarh
5. President, Municipal Corporation Baikunthpur, District : Koriya (Baikunthpur), Chhattisgarh
6. Ashok Jaiswal, President, Municipal Corporation Baikunthpur, District : Koriya (Baikunthpur), Chhattisgarh

---Respondents

For Petitioner	:	Mr. Sumit Singh Rathore, Advocate with Ms. Rashmi Sen, Advocate
For State	:	Mr. Ashutosh Mishra, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy
Order on Board

16.12.2019

1. The challenge in the present Writ Petition is to the Order Annexure P-1 dated 27.11.2019, whereby the Respondent No. 3 has directed the petitioner to stop the further construction that he is undertaking

and has called upon the petitioner to present his case to show that the construction which has been carried-out is legal not illegal. The challenge made by the petitioner is to the observation made by the Respondent No. 3 that the construction carried-out by the petitioner is illegal. This according to the petitioner is bad-in-law and without any verification of fact

2. At the outset, this Court is of the opinion that the impugned order under challenge is in-fact only a show-cause notice calling upon the petitioner to produce documents and credentials to establish that the construction being carried-out by him is not illegal but is legal and valid. The interim direction given is only for directing the petitioner to stop further construction. This is with an intention of avoiding further complications and further damage and loss to either parties. The fact that the petitioner has been called upon to give his explanation with all supported relevant records/documents is sufficient to indicate that it is not pre-determined action that the petitioner has initiated but it is only proceedings drawn in-accordance-with law and the rules governing the field. Even otherwise, the law is by now well settled that the High Court under Article 226 of the Constitution of India would not exercise its power of judicial review under the writ jurisdiction at the stage of show-cause notice.
3. The present Writ Petition, accordingly stands disposed-off.

Sd/-
(P. Sam Koshy)
Judge