

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 4674 of 2019**

1. Pankaj Jain S/o Sampat Raj Aged About 45 Years R/o Sarafa Line, Kawardha, Police Station And Tahsil Kawardha, District Kabirdham Chhattisgarh
2. Mahaveer Jain S/o Sampat Jain Aged About 58 Years R/o Sarafa Line, Kawardha, Police Station And Tahsil Kawardha, District Kabirdham Chhattisgarh, District : Kawardha (Kabirdham), Chhattisgarh
3. Smt. Shweta W/o Vivek Jain Aged About 44 Years R/o Sarafa Line, Kawardha, Police Station And Tahsil Kawardha, District Kabirdham Chhattisgarh, District : Kawardha (Kabirdham), Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Urban Administration And Development, Department, Mantralaya, Mahanadi Bhawan, New Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. The Collector, District - Kabirdham Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh
3. The Assistant Director, Nagar Tatha Gram Nivesh, Kawardha, District - Kabirdham Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh
4. The Sub - Divisional Officer (Revenue), Kawardha, District - Kabirdham Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh
5. The Chief Municipal Officer, Nagar Palika Parishad, Kawardha, District - Kabirdham Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh
6. The Station House Officer, Police Kawardha, District - Kabirdham Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh
7. Rupesh S/o Rekhchand Jain (Lodha), R/o Naveen Bazar Chowk, Kawardha, District - Kabirdham Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh
8. Jyoyi W/o Rupesh Jain (Lodha), R/o Naveen Bazar Chowk, Kawardha, District - Kabirdham Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh
9. Mangilal S/o Ramlal Sankhla, R/o Kamthi Line, Rajnandgaon, Tahsil And District - Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

10. Rajshiri W/o Bhagchand Jain, R/o Juni Hatri, Rajnandgaon, Tahsil And District - Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh
11. Pramila D/o Punaram Thakur , R/o Thakur Para, Kawardha, District - Kabirdham Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh
12. Vijay Laxmi W/o Rekhchand, R/o Naveen Bazar Chowk, Kawardha, Tahsil And District - Kabirdham Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

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For Petitioner	:	Mr. P. N. Bharat with Mr. Goutam Khetrapal, Advocates
For State	:	Mr. Somkant Verma with Ms. Abhyunnati Singh, Panel Lawyers

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

20/12/2019

- The Limited grievance that the petitioner has in the present writ petition is to the inaction on the part of the respondents in not taking any further steps in spite of reaching to the conclusion that the respondent No.7 to 12 are making illegal construction over the property which situates at Khasra No. 850, 860 & 863 in patwari Halka No.3 Revenue circle and Tehsil Kawardha District Kabirdham.
- Counsel for the petitioner drew the attention of the orders passed by the Sub Divisional Officer (Kawardha) Annexure P-4 dated 07.06.2019 passed by the Sub Divisional Officer whereby the private respondents were restrained from carrying out illegal construction. No further action has been taken by the Sub Divisional Officer i.e. respondent No.2 in spite of fully being aware of the fact that the said order is being violated by the private respondents. Further contention of the petitioner is that the office of the Assistant Director Nagar Tatha Gram Nivesh, Kawardha also had issued similar orders whereby it has been specifically held by the authorities of the Nagar Tatha Gram Nivesh Department, that this construction is without sanction and approval as is required under Rules

of 2013, therefore, appropriate steps be taken against the illegal construction. However still no further steps are taken by the respondents in spite of being in full knowledge of the same. Thereafter the authorities have also referred to a document issued by the Station House Officer, Kawardha dated 25.09.2019 who also after having inspected the spot has given a report to the extent that illegal construction led to the blockage of a common pathway used by the villagers at the said place.

3. Given the said facts and circumstances of the case, this Court is of the opinion that since there is already orders passed by the respondent No.3 & 4 and specific instructions have been issued to the respondent No.5 in this regard, ends of justice, would meet if the respondent No.3 to 5 are directed to ensure taking all necessary steps in accordance with law under which they had passed the order against the private respondents and referred to in this writ petition.
4. It is expected that respondents shall take appropriate steps at the earliest preferably within a period of 60 days from the date of receipt of copy of this order. Authorities would also take into consideration the request of the petitioner whereby it is said that the petitioners are being obstructed from taking their paddy which is lying in their field on account of the illegal construction.
5. With the aforesaid observations, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge