

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPPIL No. 5 of 2020

- Santanu Sarkar S/o Purnendu Sarkar, aged about 39 years, R/o 1111, Devnandan Nagar-1, S.E.C.L. Bilaspur C.G.

-----Petitioner

VERSUS

1. State of Chhattisgarh, through its Secretary, Department of Urban Administration and Development, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, Raipur C.G.
2. State of Chhattisgarh through its Secretary, Department of Panchayat and Rural Development, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, Raipur C.G.
3. Director, Department of Town and Country Planning, Bilaspur, C.G.
4. Collector, Bilaspur, District Bilaspur C.G.
5. Municipal Corporation, Bilaspur, through its Commissioner, Dist. Bilaspur C.G.

-----Respondents

For Petitioner	:	Mr. Shobhit Koshta, Advocate
For Respondent No. 5	:	Mr. Pankaj Agrawal, Advocate.
For Respondent-State	:	Mr. Siddharth Dubey, Dy.G.A.

Hon'ble Shri P.R. Ramachandra Menon, Chief Justice

Hon'ble Shri Parth Prateem Sahu, Judge

Judgment on Board

Per P.R. Ramachandra Menon, CJ.

20/01/2020

1. The petitioner has moved this Court with the following prayers:

“10.1 It is prayed that this Hon'ble Court may kindly be pleased to call for the entire records pertaining to the case of the petitioner for its kind perusal.

10.2 It is prayed that this Hon'ble Court may kindly be pleased to issue an appropriate writ/ orders/ directions thereby directing the Respondent authorities to immediately remove the encroachment from and near the Dayalband to Seepat Road Marg.

10.3 It is prayed that this Hon'ble Court may kindly be pleased to issue an appropriate writ/ orders/ directions thereby directing the Respondent authorities to restore the Dayalband to Seepat

Road Marg to its original width of 32 meters and also to restore the adjacent lands to its original purpose as per the Master Plan.

10.4 It is prayed that this Hon'ble Court may kindly be pleased to issue an approach writ/ orders/ directions thereby directing the Respondent authorities to prevent further encroachment over the Dayalband to Seepat Road Marg.

10.5 It is prayed that this Hon'ble Court may kindly be pleased to issue an appropriate writ/ orders/ directions thereby directing the Respondent authorities nor to grant any patta/ lease with respect to the aforesaid encroachment and neither to regularize any such encroachment over and near the Dayalband to Seepat Road Marg.

10.6 Any other relief/ reliefs, which this Hon'ble Court may think fit and proper in the facts and circumstances of the case, with cost of the petition, may also please be granted to the petitioner."

2. Heard Mr. Shobhit Koshta, learned counsel appearing for the petitioner, Mr. Pankaj Agrawal, learned counsel representing the 5th respondent as well as learned counsel representing the State.
3. Going with the nature of the pleadings and prayers, it is seen that the petitioner moved this Court as a public spirited citizen so as to protect and preserve the public property, which is stated as encroached by some persons, though they have not been impleaded in the party array.
4. It is pointed out by the learned counsel for the petitioner that the petitioner has already moved the competent authorities by filing various representations i.e. before the Collector, the Commissioner of the Municipal Corporation and before the 1st respondent, annexed with the writ petition as Annexure P-2. It is submitted by the learned counsel for the petitioner that the petitioner will be satisfied if a direction is given to the 5th respondent to have the grievance projected by way of the said representation to be considered and to pass appropriate order in accordance with law within a reasonable time.

5. In the said circumstances, we do not intend to consider the merits of the case.
The 5th respondent is directed to consider the above representation of the petitioner and pass appropriate orders in accordance with law and of course, after affording opportunity of hearing to the petitioner and the person(s) interested in this regard. This shall be finalized as expeditiously as possible, at any rate within 3 months from the date of receipt of a copy of this judgment. The writ petition stands disposed of.
6. The petitioner is directed to produce copy of the judgment along with copy of the writ petition before the 5th respondent for further steps.

Sd/-
(P.R. Ramachandra Menon)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge