

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 352 of 2020**

Shridhar Chandrakar S/o Late Shri Manharan Lal Chandrakar, Aged About 57 Years, R/o Old Basti, Ward No. 17, Mahasamund, Tahsil And District Mahasamund, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Nagriya Prashashan Development Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, New Raipur, District Raipur, Chhattisgarh
2. Municipal Council Mahasamund Through The Chief Municipal Officer, Municipal Council, Mahasamund, District Mahasamund, Chhattisgarh
3. Chief Municipal Officer, Municipal Council Mahasamund, District Mahasamund, Chhattisgarh
4. Sub Divisional Officer (Revenue) Mahasamund, District Mahasamund Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Awadh Tripathi, Advocate
For State	:	Mr. Ayaz Naved, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****27.01.2020**

1. The challenge in the present writ petition is to Annexure P-1 dated 14.01.2020 whereby the respondent no.3 has asked the petitioner to produce the documents in respect of allotment of the portion of land over which he has constructed a shop failing which encroachment

proceedings would be initiated.

2. Counsel for the petitioner submits that the petitioner is in possession of the said piece of land for over a decade and he was running a shop there for quite sometime. Since the shop was in a dilapidated condition, he demolished the same and is erecting a new structure for operating a new shop. He submits that the petitioner already had a permission in the past and that he has again moved an application for a fresh permission.
3. Given the aforesaid facts and circumstances of the case and also taking note of the fact that Annexure P-1 is a notice whereby the petitioner has been asked to show that he is not an encroacher, this Court is of the opinion that ends of justice would meet if the writ petition is disposed of with a direction to the respondent no.3 to determine the fact as to whether the petitioner is in fact an encroacher or not. The petitioner in turn also is directed to approach the respondent no.3 by producing all relevant cogent documents to establish that he has been officially allotted the said land for construction of shop.
4. Let this exercise be completed within a period of 60 days from the date of receipt of copy of this order and the respondent authorities are directed not to act in pursuant to Annexure P-1 till a decision is taken by the respondent no.3.

Sd/-
P. Sam Koshy
Judge