

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 838 of 2020

Surendra Kumar S/o Shri Dhruv Lal Aged About 75 Years R/o Nutan Chowk, Sarkanda, Bilaspur, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, Urban Administration And Development Department, Mantralaya, Mahanadi Bhawan, Nava Raipur, Atal Nagar, District Raipur, Chhattisgarh
2. Municipal Corporation Raigarh Through Its Commissioner, Municipal Corporation Raigarh, District Raigarh, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Vinod Deshmukh, Advocate
For State	:	Mr. Somkant Verma, PL
For Res. No.2	:	Mr. Pankaj Agrawal, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

04/03/2020

1. The grievance of the petitioner in the present writ petition is to the action on the part of the respondent No.2 inasmuch as entering into the private property of the petitioner, on which he has Bhoomi Swami Right for the purpose of carrying out the construction of common drainage.
2. Counsel for the petitioner submits that respondents have not initiated any acquisition proceedings nor have they taken the said property at any point of time after notice in respect of the intention of respondent No.2 in entering into the property of the petitioner for the purpose of construction of drainage.
3. Counsel appearing for respondent No.2 submits that petitioner till date has not approached respondent No.2 and therefore his

grievance has not been redressed, let petitioner approach respondent No.2 by way of representation and the said representation shall be duly considered in accordance with law.

4. Given the said submission by respondent No.2, this Court is of the opinion, let petitioner file a representation to the respondent No.2 within a period of seven days from the date of receipt of the order from this Court and respondent No.2 in turn is restrained from carrying out any further construction work on the said property by the petitioner till the representation of the petitioner is considered and decision thereon is taken and is duly complied with.
5. With the aforesaid observations, the writ petition stands allowed and disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit