

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**WPC No. 1007 of 2020**

1. Vijay Kumar Dadriwal, S/o Late Shrichand Dabriwal, Aged About 56 Years, R/o Village Lailunga, Tehsil Lailunga, District : Raigarh, Chhattisgarh

**---- Petitioner**

**Versus**

1. State of Chhattisgarh Through Secretary, Department of Revenue And Disaster Management, Mahanadi Bhawan, Mantralaya, Atal Nagar, Raipur, District : Raipur, Chhattisgarh
2. Collector Raigarh, District : Raigarh, Chhattisgarh
3. Sub Divisional Officer (Revenue) Lailunga, District : Raigarh, Chhattisgarh

**---Respondents**

---

|                       |                                    |
|-----------------------|------------------------------------|
| For Petitioner        | : Mr. Surfaraj Khan, Advocate      |
| For State/respondents | : Smt. Sunita Jain, Govt. Advocate |

---

**Hon'ble Shri Justice P. Sam Koshy**

**Order on Board**

**23.03.2020**

1. The challenge in the present writ petition is to the issuance of the Annexure P-1 dated 20.02.2020, whereby the petitioner been called upon by the respondent no. 3 to explain as to how he has made certain construction without permission from the competent authority.
2. Today, when the matter is taken up, the learned Government Advocate sought instructions from the respondents and has produced before this Court an order dated 18.03.2020, whereby the respondent no. 3 has clarified that the explanation sought is only in-respect of change of use of the construction so made. As according to the respondent no. 3, the construction was made for residential

purpose, however, it has since been converted for commercial purpose without any approval, permission or sanction from the respondents so far as the change of use of land/use of building is concerned.

3. Given the submissions by the learned Government Advocate and taking note of the order dated 18.03.2020 produced by the Government Advocate, this Court is of the opinion that the writ petition itself can be disposed off directing the petitioner to appear before the respondent no. 3 on the date fixed ie., 26.03.2020 and submit his detailed explanation along with all supporting relevant documents. The petitioner would also be at liberty to question the competency of the authority and the jurisdiction of the respondent no. 3 in initiating the said proceedings particularly, for the reason that the location of the land over which the petitioner has carried out the construction is one, which falls under the jurisdiction of Nagar Panchayat and as such it is the provision of the Municipalities Act which governs the field; so far as the construction and approval of the building are concerned.
4. Subject to the petitioner submitting his explanation, the respondent no. 3 shall duly consider the same and shall decide the said objection in-accordance-with law by passing a speaking /reasoned order.
5. It is expected that the respondent no. 3 shall not carry out any demolition work over the disputed property before passing a final order, after the explanation that would be provided by the petitioner. The writ petition, accordingly stands disposed off.
6. Certified copy today.