

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No. 1278 of 2020

Ashok Kumar Dewangan S/o Shri Thahluram Dewangan Aged About 44 Years R/o Ward No. 12, Sakti , District Janjgir Champa Chhattisgarh.

---Petitioner(s)

Versus

- 1.** State of Chhattisgarh Through the Secretary, Department of Town and Country Planning , Mantralaya, Mahanadi Bhawan , Atal Nagar, Nava Raipur , District Raipur Chhattisgarh.
- 2.** Collector Janjgir, District Janjgir Champa Chhattisgarh.
- 3.** Sub Divisional Magistrate Sakti , District Janjgir Champa Chhattisgarh.
- 4.** Chief Municipal Officer Municipal Council Sakti, District Janjgir Champa Chhattisgarh.
- 5.** Gram Panchayat Nandeli Through the Secretary, Gram Panchayat Nandeli, Village Nandeli, District Janjgir Champa Chhattisgarh.
- 6.** Shriji Group Sakti , Through The Proprietor , Shriji Group, Sakti , District Janjgir Champa Chhattisgarh.

---Respondents

For Petitioner	:	Shri Dhiraj K. Wankhede, Advocate.
For State	:	Shri Vivek Ranjan Tiwari, Addl. Advocate General.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

23.06.2020

- 1.** The grievance of the petitioner in the present writ petition is more against the illegal construction of a Community Hall on the petitioner's land and also on the land belonging to Gram Panchayat, Nandeli.
- 2.** According to the petitioner, his property has not been acquired by any of the respondents, nor has he been ever intimated about the same and the construction is without any permission, authority or payment of any compensation.
- 3.** So far as the objection by the State counsel is concerned, according to him there is no document to show that the petitioner is the title holder over the said land, nor is there any proof of any construction being made over the land belonging to the petitioner. Further, as regards the land of the Gram Panchayat Nandeli is concerned, according to the State counsel it is

for the said Gram Panchayat to raise an objection. If the Gram Panchayat does not have an objection, the petitioner also should not have any grievance so far as land of Gram Panchayat is concerned.

4. Be that as it may, considering the nature of dispute that the petitioner has raised in the present writ petition, this court is of the opinion that so far as the petitioner is concerned, the claim of the petitioner would be confined only so far as his property being used for the construction of Community Hall.
5. Let the petitioner in this regard approach the respondent No.3 by raising his grievance and also showing the documents in respect of his title over the said property. The respondent No.3, in turn, on due scrutiny and verification of the documents shall pass appropriate orders in accordance with law. If required, the respondent No.3 can also get the property of the petitioner demarcated and thereafter take a decision.
6. Let this exercise be done by the respondent No.3 within a period of 15 days from the date the petitioner submits his representation/objection in respect of the same. In case, if it is found that any construction has been made illegally upon private property belonging to the petitioner, the respondent No.3 shall ensure that the said construction stands cleared.
7. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge