

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 1615 of 2020**

1. Chhabiram Manhare S/o Late Mangluram Manhare Aged About 54 Years R/o Mamta Hospital, Opposite, SBI, Arang, P.S.- Arang, District Raipur, Chhattisgarh
2. Lokesh Kumar Manhare S/o Chhabiram Manhare Aged About 34 Years R/o Mamta Hospital, Opposite SBI, Arang, PS- Arang, District Raipur, Chhattisgarh

---- Petitioners**Versus**

1. State Of Chhattisgarh Through- The Secretary, Urban Administration And Development (UAD) Mantralaya, New Raipur, Chhattisgarh
2. Director Urban Administration And Development (UAD) Directorate, Indravati Bhawan, Atal Nagar, New Raipur, Chhattisgarh
3. Chief Municipal Officer, Municipal Council, Arang, District Raipur, Chhattisgarh
4. Collector, District Raipur, Chhattisgarh
5. Joint Director, Regional Office, Urban Administration And Development (UAD), Raipur, Chhattisgarh
6. Sub-Divisional Officer (Revenue) Arang, District Raipur, Chhattisgarh
7. Tehsildar Arang, District Raipur, Chhattisgarh

---- Respondents

For Petitioners	:	Mr. Sunil Kumar Soni, Advocate
For State	:	Mr. Sudeep Verma, Deputy G.A.
For Respondent No.3	:	Mr. Jitendra Pali, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****21/07/2020**

1. The challenge in the present writ petition was to the notice issued to the petitioners dated 08.07.2020 (Annexure P/1) in respect of certain irregular construction made by the petitioners contrary to the building permission granted to them.

2. The contention of the petitioners is that the petitioner No.1 is a Doctor and is operating a clinic from the premises referred to in the notice (Annexure P/1). According to the petitioners, vide the impugned notice, the respondents have granted only two days time for removing the illegal construction beyond the approved map and the building permission, which was granted to the petitioners. According to the petitioners, this is too short of period particularly during this pandemic season for issuance of a direction for removal of alleged illegal construction within two days. Further, according to the petitioner, the respondents authorities should have first called upon the petitioners by issuance of some notice seeking explanation in respect of any illegal construction made. In the absence of which issuance of notice for removal of the construction straight away is bad in law.
3. Mr. Jitendra Pali, the learned counsel appearing for the respondent No.3 the authority, who have issued Annexure P/1 submits that the notice which has been issued is basically under the provisions of the Municipal Corporation Act, 1961. He submits that if at all if the petitioners have any grievance, they should have immediately approached the respondent No.3 justifying their action and also for remedial measures, which would have been permissible under the provisions of the Act of 1961.
4. Given the said submissions by the counsel appearing for the parties, this Court is of the opinion that ends of justice would meet if the petitioners are directed to approach the respondent No.3 by filing a detailed representation in connection with Annexure P/1 dated

08.07.2020 and in the representation the petitioners would be at liberty to request the respondents authorities for compounding of the irregularities in accordance with the guidelines framed by the authorities or the guidelines governing the field. Upon such a representation being made, the respondent No.3 is expected to take a decision at the earliest in accordance with law. The petitioners are also expected to render full cooperation enabling the respondent No.3 in getting the property duly measured to find out the amount of deviation or excess construction made by the petitioners beyond the approved map and the building permission obtained.

5. Let the respondent No.3 take a decision on the said representation, which the petitioners shall file within a period of 10 days from the date of receipt of the copy of this order. Till the respondent No.3 takes a decision finally on the representation so made, no coercive steps be taken pursuant to Annexure P/1 dated 08.07.2020.
6. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved