

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 1877 of 2020**

Seth Ratanchand Surana Dharamshala Through Its Secretary, Satish Chand Surana, Hatri Bazar, Durg, Tehsil and District- Durg (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, The Urban Administration And Development Department, D.K.S. Bhavan, Raipur, Chhattisgarh
2. The Municipal Corporation, Durg Through- Its Commissioner, District- Durg (Chhattisgarh)
3. The Collector District- Durg (Chhattisgarh)
4. The Deputy Director Nagar Tatha Gram Nivesh, District- Durg (Chhattisgarh)
5. The Nazul Officer, Durg District- Durg, Chhattisgarh
6. Shri Gyanchand Patni S/o Late Soubhagmal Patni Aged About 65 Years Having Shop At Near Seth Ratanchand Surana Dharamshala, Hatri-Bazar, Durg, Tehsil And District- Durg (Chhattisgarh)
7. Shri Pankaj Patni S/o Shri Narendra Jain Aged About Not Known To Petitioner Having Shop At Near Seth Ratanchand Surana Dharamshala, Hatri-Bazar, Durg, Tehsil And District- Durg (Chhattisgarh)
8. Mohammad Alanoor Aged About 60 Years, Having Shop At Near Seth Ratanchand Surana Dharamshala, Hatri-Bazar, Durg, Tehsil And District- Durg (Chhattisgarh)

---- Respondents

For Petitioner	:	Mr. Awadh Tripathi, Advocate
For State	:	Mr. Siddharth Dubey, GA
For Res. No.1& 2	:	Mr. R. S. Marhas, Advocate

Hon'ble Shri Justice P. Sam Koshy
Order on Board

26/08/2020

1. The limited relief that the petitioner has made in the present writ petition is for a direction to the respondents to take appropriate action in terms of the order passed by the State Government dated 04.03.2020 (Annexure P-1) and also order dated 12.06.2020 passed by the same authority.
2. The present is the second round of litigation on the part of the petitioner. The earlier round of litigation was WPC 1091/2011 and WPC 5655/2011. Both of which stood disposed of on 10.09.2018 directing the petitioner to move appropriate representation before the authorities objecting to any grant of lease to the private respondents in those writ petitions. It was further directed that the State Authorities shall also consider and decide the representation of the petitioner by a speaking order within a period of six months. Pursuant to which the State Authorities i.e. the Secretary of the Urban Administration and Development Department after issuing to all the parties involved in the dispute and after hearing the parties the learned Secretary of the Urban Administration and Development Department passed an order dated 04.03.2020 and 12.06.2020 thereby clearly holding that the width of the road at the disputed area would be 8 meters appears to be illegal encroachments made and there was also specific directions that the Secretary canceling the lease granted in favour of the persons who had encroached upon the said land. There was also directions of the State Authorities to the Municipal Corporation for immediately removing the encroachments and to ensure that the width of the road maintained at 8 meters.

3. Contention of the petitioner is that subsequent to the two orders passed by the Secretary, the petitioner has again approached the respondent No.2 the Municipal Corporation asking the Commissioner, Municipal Corporation to ensure that the order of the Secretary of the Department dated 04.03.2020 and 12.06.2020 be executed or implemented in its letter and spirit at the earliest.
4. Counsel for the Municipal Corporation, Durg Mr. Pankaj Agrawal submits, let writ petition be disposed of at this stage directing the respondent No.2 to take an appropriate action on the representation of the petitioner keeping in view the orders passed by the State Government.
5. In view of the submissions made by the counsel for the Municipal Corporation, this court is of the opinion that the writ petition itself can be disposed of directing the respondent No.2 to ensure taking the decision on the representation of the petitioner and also at the same time comply with the directives given by the State Authorities (Annexure P-1) dated 04.03.2020 and which was subsequently modified or amended on 12.06.2020.
6. Let appropriate decision be taken by the respondent No.2 within a period of six weeks from the date of receipt of copy of this order
7. The writ petition stands accordingly disposed of.

Sd/-
(P. Sam Koshy)
Judge