

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (C) No. 2660 of 2020

Dilip Kumar Verma S/o Shri S.H. Verma, Aged About 58 Years R/o H.No. A-7, Shatabdi Nagar, Gurughasi Das Ward No. 49, Raipur, Tehsil and District Raipur Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through Secretary, Urban Administration and Development Department, Mantralaya, Mahanadi Bhawan, Capital Complex, Nawa Raipur, (Atal Nagar) District Raipur Chhattisgarh.
2. Municipal Corporation, Raipur Through Commissioner, Raipur District Raipur Chhattisgarh.
3. Zonal Commissioner, Zone 10, Municipal Corporation, Shankar Nagar, Raipur Chhattisgarh.

---Respondents

For Petitioner	:	Shri Ankur Agrawal, Advocate.
For State	:	Shri Vivek Ranjan Tiwari, Addl. A.G.
For Respondent No.2&3	:	Shri Pankaj Agrawal, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

05.11.2020

1. The grievance of the petitioner in the present writ petition is said to be alleged arbitrary action on the part of the respondents No.2&3 who have illegally entered upon the self owned property of the petitioner i.e. land bearing No. A-7 at Kendriya Karmachari Sahkari Grih Nirman Samiti, Phase-I which is a part of Khasra No.195/2 measuring 1500 sq.ft., Shatabdi Nagar, Guru Ghasidas Ward No.49.
2. According to the petitioner, he has purchased the property vide registered sale deed dated 01.07.1999. He has constructed a house over the said land after due permission from the authorities, however, a portion of the land was left open which now the respondents No.2&3 are trying to take possession and are making certain illegal construction.
3. Shri Pankaj Agrawal, learned counsel for the respondents No.2&3 enters appearance on advance copy and submits that he has received

instructions from the Corporation authorities stating that the Corporation authorities are not making any construction in the aforementioned land belonging to the petitioner. Rather it was a land which was the Corporation property having EWS Colony and certain portion of the construction therein was being demolished and Guard Room has been constructed.

4. Given the categorical submission by the counsel for the respondents-Corporation that that they are not interfering with the property belonging to the petitioner i.e. land bearing No.A-7 at Kendriya Karmachari Sahkari Grih Nirman Samiti, Phase-I which is a part of Khasra No.195/2 measuring 1500 sq.ft., Shatabdi Nagar, Guru Ghasidas Ward No.49, this court is of the opinion that the petitioner should not have any further apprehension of the respondents No.2&3 entering upon his property. However, from the pleadings it appears that the respondents-Corporation had vide their letter dated 05.09.2020 asked the petitioner for providing the details of the property that is owned by him, to which, the petitioner has submitted his detailed reply on 07.09.2020.
5. In view of the same, let the respondents No.2&3 consider the submissions that the petitioner has made on 07.09.2020 and pass an appropriate order on the same. In case, if the petitioner is still aggrieved of the outcome, he may assail the same before the appropriate Civil Court seeking for an appropriate relief so far as title over the said property is concerned.
6. The writ petition accordingly stands disposed of. The respondents shall decide the claim of the petitioner within a period of four weeks from the date of receipt of copy of this order.

Sd/-
(P. Sam Koshy)
Judge