

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No. 2745 of 2020

Dr. Badri Jaiswal S/o Late Ganesh Prasad Jaiswal, Aged About 69 Years
R/o In Front Of Bihari Takiz, Old High Court Road, Bilaspur Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through Collector Bilaspur Chhattisgarh.
2. Zone Commissioner, Municipal Corporation Bilaspur Chhattisgarh.
3. Bhavan Adhikari, Municipal Corporation Bilaspur Chhattisgarh.
4. Municipal Corporation Bilaspur, Through Commissioner, Office Of Municipal Corporation Bilaspur Chhattisgarh.
5. Tahsildar, Tahsil Bilaspur Chhattisgarh.
6. Smt. Shail Jaiswal, W/o Shri Virendra Jaiswal, R/o In Front Of Bihari Takiz, Old High Court Road, Bilaspur Chhattisgarh.
7. The Sub Division Officer, Bilaspur Chhattisgarh.

---Respondents

For Petitioner	:	Shri Neeraj Choubey, Advocate.
For Respondent-State	:	Shri Mateen Siddique, Dy. Advocate General.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

09.11.2020

1. The challenge in the present writ petition is to the notice under Section 293 of the Municipal Corporation Act, 1956.
2. The contents of the notice reflects that there is some alleged construction carried out by the petitioner by encroaching upon the adjoining land situated besides his property. The said order seems to have been issued on the basis of some alleged complaint made by the respondent No.6.
3. At this juncture, learned counsel for the petitioner submits that the petitioner has not made any construction beyond the land which is otherwise owned exclusively by him. It is also the contention of the petitioner that the complainant-respondent No.6 does not have any property adjoining to his property for being aggrieved of. All the constructions that the petitioner have made has been after due application

being made to the concerned authorities and after obtaining proper sanction from the State authorities. The request of the petitioner also is that his wife's property is also adjoining to his property which may also be measured and demarcated so far as ascertain whether the petitioner has encroached upon anybody's property particularly that of respondent No.6 or any other land including government land.

4. Learned counsel appearing for the State submits that perusal of notice shows that there is illegal construction carried out by the petitioner encroaching upon the adjoining land to his property as per the complaint of thr Resp. No. 6.
5. Given the said facts and circumstances of the case, the writ petition at this stage can be disposed of directing the Municipal Corporation to first get the property owned by the petitioner measured and demarcated. Let this exercise be done by the respondent Municipal Corporation before taking any further steps on Annexure P/1 dated 03.11.2020.
6. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge