NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Contempt Case (C) No.938 of 2018

1. Smt. Ujjwala Hanmant Bagade, W/o Hanmant Bagade, aged about 44 years, R/o MIG D.D. Nagar, Sector 8, Housing Board Colony, Saddu, Raipur, District Raipur (C.G.)

(WPC No.2217 of 2016)

2. Aadhir Shrivastava, S/o Late Shri Madanmohan Shrivastava, aged about 48 years, R/o Opp. Central Bank, Civil Lines, Raipur, Tahsil and District Raipur (C.G.)

(WPC No.135/2017)

3. Smt. Hemvati Chivane, W/o Shri Vikas Chivane, aged about 50 years, R/o H.No. 13, LIC Colony, P.S. Jagdalpur, Tahsil and District Bastar (C.G.)

(WPC No. 2114 of 2016)

4. Smt. Ramdevi Mishra, W/o Shri Dilip Mishra, aged about 49 years, R/o 16/913, Sai Nagar, Jail Road, Raipur, Tahsil and District Raipur (C.G.)

(WPC No.2807 of 2016)

5. Smt. Bhavna Wadhwani, W/o Shri Mahesh Wadhwani, aged about 45 years, R/o C/o Jitendra Traders, In front of Patel Hostel, Fafadih, Raipur, Tahsil and District Raipur (C.G.)

(WPC No.2807 of 2016)

6. Smt. Vinodini Dixit, W/o Shri Kailash Chandra Dixit, aged about 73 years, R/o 6-A, Ravi Nagar, Near Bhatia Hospital, Raipur, Tahsil and District Raipur (C.G.)

(WPC No.3060 of 2016)

7. Smt. Dipti Jodh, W/o Dilip Kumar Jodh, aged about 56 years, R/o 1056/1, Shakti Nagar, Gupteshwar, Jabalpur, C/o D.K. Jodh, Executive Engineer, Rural Engineering Service, Janjgir, District Janjgir-Champa (C.G.)

(WPC No.2942 of 2016)

8. Atul Shukla, S/o Late Shri Ram Vishal Shukla, aged about 47 years, R/o Q.No. 58, Sector-1, Street-1, Samta Colony, Raipur, Tahsil and District Raipur (C.G.)

(WPC No.254 of 2017)

9. Smt. Anjana Jain, W/o Dilip Jain, aged about 50 years, R/o C/o Riddhi Shop No.125, New Civic Centre, Bhilai, District Durg (C.G.)

(WPC No.255 of 2017)

10. Kimti Lal Juneja, aged about 68 years, S/o Late Shri Jairamdas Juneja, R/o Rishi Colony, Dayalband, Tahsil Bilaspur, Police Station City Kotwali, District Bilaspur (C.G.)

(WPC No.2575 of 2017)

11. Smt. Seema Shah, W/o Vinesh Shah, aged about 54 years, R/o

Techno Industries, Katora Talab, Raipur, District Raipur (C.G.)
(WA No.277 of 2017)

12. Smt. Varsha Sharda, W/o Amol Sharda, aged about 38 years, R/o Chhattisgarh Cloth Center, Bagbahra, District Mahasamund (C.G.)
(WA No.278 of 2017)

13. Hoshiyari Lal Agrawal, S/o Shambhu Ram Agrawal, aged about 59 years, R/o Hari Kishan Colony, In front of Mamta Tent House, Shivtakij Road, Bilaspur, District Bilaspur (C.G.)
(WPC No.684 of 2017)
---- Petitioners

Versus

1. Sanjay Shukla, Secretary – Housing and Environment Department, Mahanadi Bhawan, P.S. and Post Rakhi, Naya Raipur, District Raipur (C.G.)

2. Vinit Nair, Director – Town and Village Investment Department, Regional Office, RDA Building, Shastri Chowk, Raipur, District Raipur (C.G.)

3. Jay Uraon, Tahsildar, Office of Tahsildar, Raipur, District Raipur (C.G.)

4. O.P. Choudhari, Collector, Office of Collectorate, Raipur, District Raipur (C.G.)

5. Mahadeo Kawre, Sub Divisional Officer (Rev), Raipur, District Raipur (C.G.)

6. Kishroe Sinha, Naib Tahsildar, Office of Tahsildar, Raipur, District Raipur (C.G.)

7. M/s. Sanjay Bajpai Builders Pvt. Ltd., Address Krishna Complex, 2nd Floor, Kachhari Chowk, Raipur (C.G.) Through Director Sarita Bajpai, aged about 47 years, Wd/o Shri Sanjay Bajpai, R/o Exotica, Shanker Nagar, Raipur (C.G.)

8. Sarita Bajpai, aged about 47 years, Wd/o Shri Sanjay Bajpai, Director, M/s. Sanjay Bajpai Builders Pvt. Ltd., R/o Exotica, Shanker Nagar, Raipur (C.G.)

9. Yogeshwar Shukla, R/o Krishna Complex, 2nd Floor, Kachhari Chowk, Raipur (C.G.)

(Contemnors)
---- Respondents

Contempt Case (C) No.1088 of 2018

Divyansh Infra Estate Private Limited, Through Director Abhishek Jain, S/o late Jagdish Jain, aged about 38 years, R/o Arihant Nivas, Favvara Chowk, Sattibazar, Raipur (C.G.)

---- Petitioner

Versus

1. Sanjay Shukla, Secretary – Housing and Environment Department, Mahanadi Bhawan, P.S. and Post Rakhi, Naya Raipur, District Raipur (C.G.)

2. Vinit Nair, Director – Town and Village Investment Department, Regional Office, RDA Building, Shastri Chowk, Raipur, District Raipur (C.G.)

3. Jay Uraon, Tahsildar, Office of Tahsildar, Raipur, District Raipur (C.G.)

4. O.P. Choudhari, Collector, Office of Collectorate, Raipur, District Raipur (C.G.)

5. Mahadeo Kawre, Sub Divisional Officer (Rev), Raipur, District Raipur (C.G.)

6. Kishroe Sinha, Naib Tahsildar, Office of Tahsildar, Raipur, District Raipur (C.G.)

7. M/s. Sanjay Bajpai Builders Pvt. Ltd., Address Krishna Complex, 2nd Floor, Kachhari Chowk, Raipur (C.G.) Through Director Sarita Bajpai, aged about 47 years, Wd/o Shri Sanjay Bajpai, R/o Exotica, Shanker Nagar, Raipur (C.G.)

8. Sarita Bajpai, aged about 47 years, Wd/o Shri Sanjay Bajpai, Director, M/s. Sanjay Bajpai Builders Pvt. Ltd., R/o Exotica, Shanker Nagar, Raipur (C.G.)

9. Yogeshwar Shukla, R/o Krishna Complex, 2nd Floor, Kachhari Chowk, Raipur (C.G.)

(Contemnors)
---- Respondents

Contempt Case (C) No.1099 of 2018

1. Smt. Draupadi Rathore, W/o Shri Bhushan Rathore, aged about 58 years, R/o Plot No.B-29, Khanij Nagar, VIP Road, Raipur, Tahsil and District Raipur (C.G.)

2. Smt. Madhu Goswami, W/o Ved Puri Goswami, aged about 50 years, R/o LIG 842, Opp. Balaji Mandir, Janta Colony, Gudiyari, Raipur, Tahsil and District Raipur (C.G.)

(WPC No.2213/2016)

3. Anil Kumar Kadam, S/o late Shri Manohar Rao Kadam, aged about 44 years, R/o R&A Enterprises, 27 Navin Bazar, Phool Chowk, Raipur, Tahsil and District Raipur (C.G.)

(WPC No.2028 of 2016 and WPC No.2526 of 2016)

4. Smt. G. Kamala Kumari, W/o G.J. Rao, aged about 54 years, R/o Village Nagar (Chhota Ashok Nagar), Gudiyari, Raipur, Tahsil and District Raipur (C.G.)

(WPC No.2585 of 2016)

5. Smt. Archana Dewangan, W/o Shri Komal Ram Dewangan, aged about 49 years, R/o M.D. 133, Veer Sawarkar Nagar, Hirapur, Raipur, Tahsil and District Raipur (C.G.)

(WPC No.2169 of 2016)

6. Ghanshyam Shrivastava, S/o Banwari Lal Shrivastava, aged about 57 years, R/o B/1 Pension Bada, Opp. Police Ground Main Gate, Raipur, Tahsil and District Raipur (C.G.)

(WPC No. 3056/2016)

7. Smt. Alpana Gaur, W/o Shri Mukesh Gaur, aged about 50 years, R/o 16/913, Sai Nagar, Jail Road, Raipur, Tahsil and District Raipur (C.G.)

(WPC No.2807 of 2016)

8. Dr. Ashit Kumar Naik, S/o Shri Prabir Kumar Naik, aged about 43 years, R/o H.5, Rajeev Nagar, Post Shanker Nagar, Raipur, Tahsil and District Raipur (C.G.)

(WPC No.304 of 2017)

9. Smt. Dr. Suman Rao, W/o Shri Sriranjan Rao, aged about 35 years, R/o H.5, Rajeev Nagar, Post Shanker Nagar, Raipur, Tahsil and District Raipur (C.G.)

(WPC No.304 of 2017)

10. Ankur Gupta, S/o Shri Ravikant Gupta, aged about 35 years, R/o C.23 Kudremukh Colony, Kormangla, 2nd Stage, Bangalore (Karnataka) PIN 560034

(WPC No.304 of 2017)

11. Smt. Sapna Goswami, W/o Nirmalpuri Goswami, aged about 36 years, R/o Kasturba Nagar, Near Kaushik Kirana Store, Sindhi Colony, Bilaspur, District Bilaspur (C.G.)

(WPC No.679/2016 & WA No.279/2017)

12. Manish Agrawal, S/o Mahesh Chandra Gupta (Agrawal), aged about 39 years, R/o Mungeli Naka, Bilaspur, District Bilaspur (C.G.)

(WPC No.2924 of 2016)

13. Lalit Kumar Prajapati, S/o Shri Pannalal Prajapati, aged about 47 years, R/o Jawahar Bazar Market, Ganesh Ram Nagar, Police Station Gol Bazar, Raipur, Tahsil and District Raipur (C.G.)

(WPC No.2413 of 2016)

14. Shail Agrawal, W/o Rajendra Kumar Agrawal, aged about 68 years, R/o Flat No.406, Shri Vatika, Ashvani Nagar, Raipur, District Raipur (C.G.)

(WPC No.2589 of 2016)

---- Petitioners

Versus

1. Sanjay Shukla, Secretary – Housing and Environment Department, Mahanadi Bhawan, P.S. and Post Rakhi, Naya Raipur, District Raipur (C.G.)

2. Vinit Nair, Director – Town and Village Investment Department, Regional Office, RDA Building, Shastri Chowk, Raipur, District Raipur (C.G.)

3. Jay Uraon, Tahsildar, Office of Tahsildar, Raipur, District Raipur (C.G.)

4. O.P. Choudhari, Collector, Office of Collectorate, Raipur, District Raipur (C.G.)

5. Mahadeo Kawre, Sub Divisional Officer (Rev), Raipur, District Raipur (C.G.)

6. Kishroe Sinha, Naib Tahsildar, Office of Tahsildar, Raipur, District Raipur (C.G.)

7. M/s. Sanjay Bajpai Builders Pvt. Ltd., Address Krishna Complex, 2nd Floor, Kachhari Chowk, Raipur (C.G.) Through Director Sarita Bajpai, aged about 47 years, Wd/o Shri Sanjay Bajpai, R/o Exotica, Shanker Nagar, Raipur (C.G.)

8. Sarita Bajpai, aged about 47 years, Wd/o Shri Sanjay Bajpai, Director, M/s. Sanjay Bajpai Builders Pvt. Ltd., R/o Exotica, Shanker Nagar, Raipur (C.G.)

9. Yogeshwar Shukla, R/o Krishna Complex, 2nd Floor, Kachhari Chowk, Raipur (C.G.)

(Contemnors)
---- Respondents

Contempt Case (C) No.1311 of 2018

Smt. Bina Singh (Smt. Beena Singh), W/o Ashok Kumar Singh, aged about 57 years, R/o Q.No.7A, Street Avenue B, Sector-1, Bhilai, District Durg (C.G.)

---- Petitioner

Versus

1. Sanjay Shukla, Secretary – Housing and Environment Department, Mahanadi Bhawan, P.S. and Post Rakhi, Naya Raipur, District Raipur (C.G.)

2. Vinit Nair, Director – Town and Village Investment Department, Regional Office, RDA Building, Shastri Chowk, Raipur, District Raipur (C.G.)

3. Jay Uraon, Tahsildar, Office of Tahsildar, Raipur, District Raipur (C.G.)

4. O.P. Choudhari, Collector, Office of Collectorate, Raipur, District Raipur (C.G.)

5. Mahadeo Kawre, Sub Divisional Officer (Rev), Raipur, District Raipur (C.G.)

6. Kishroe Sinha, Naib Tahsildar, Office of Tahsildar, Raipur, District Raipur (C.G.)

7. M/s. Sanjay Bajpai Builders Pvt. Ltd., Address Krishna Complex, 2nd Floor, Kachhari Chowk, Raipur (C.G.) Through Director Sarita Bajpai, aged about 47 years, Wd/o Shri Sanjay Bajpai, R/o Exotica, Shanker Nagar, Raipur (C.G.)

8. Sarita Bajpai, aged about 47 years, Wd/o Shri Sanjay Bajpai, Director,

M/s. Sanjay Bajpai Builders Pvt. Ltd., R/o Exotica, Shanker Nagar, Raipur (C.G.)

9. Yogeshwar Shukla, R/o Krishna Complex, 2nd Floor, Kachhari Chowk, Raipur (C.G.)

(Contemnors)
---- Respondents

AND

Contempt Case (C) No.996 of 2019

1. Chandra Kumar Nanda, S/o B.M. Nanda, Aged about 47 years, R/o D 139, M.R. Colony, Tagore Nagar, Raipur, District Raipur (C.G.)

2. Smt. Shruti Nanda, W/o Chandra Kumar Nanda, Aged about 42 years, R/o D 139, M.R. Colony, Tagore Nagar, Raipur, District Raipur (C.G.)

---- Petitioners

Versus

1. Ms. Sangeetha, P., Secretary, Housing and Environment Department, Government of Chhattisgarh, Mahanadi, Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur (C.G.)

2. Shri Sandeep Bangade, Director, Town & Country Planning Department, Regional Office, RDA Building, Shastri Chowk, Raipur, Distt. Raiupur (C.G.)

3. Shri Solai Bharathi Dasan, Collector, Raipur (C.G.)

4. Shri Rajeev Pandey, Sub Divisional Officer (Revenue), Raipur (C.G.)

5. Shri Amit Beck, Tahsildar, Raipur (C.G.)

6. Smt. Sarita Bajpai, widow of Late Sanjay Bajpai, aged about 46 years, Director M/s Sanjay Bajpai Builders Pvt. Ltd., Raipur and R/o Exotica, Shankar Nagar, Post & PS Shankar Nagar, Raipur (C.G.)

(Contemnors)
---- Respondents

For Petitioners in Contempt Case (C) Nos.938/2018, 1088/2018, 1099/2018, and 1311/2018: Mr. Y.C. Sharma, Advocate.

For Petitioners in Contempt Case (C) No.996/2019: -
Mr. B.D. Guru, Advocate.

For Respondents No.1 & 2: -
Mr. B. Gopa Kumar, Advocate.

For Respondent No.7 – M/s. Sanjay Bajpai Builders Pvt. Ltd.:-
Mr. B.P. Sharma, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

17/01/2020

1. This batch of contempt cases has been filed by the petitioners stating that the order passed in W.P.(C)Nos.2009/2015 & 2010/2015 and also the order passed in W.P.(C)No.1750/2016 has not been complied with, therefore, appropriate direction may be issued.

2. Return has been filed mainly on behalf of respondents No.1 & 2 that on 29-12-2017, order has been passed in compliance of the order passed in W.P.(C)Nos.2009/2015 & 2010/2015 and necessary notification has been issued on 29-12-2017 itself and thereafter, the instant contempt cases for appropriate direction have been filed.

3. Learned counsel for the parties jointly submit that the matter may be adjourned for some other date. However, considering the submission of the contemnors that the order dated 13-9-2017 passed in W.P.(C) Nos.2009/2015 & 2010/2015 has been complied with, the matter is taken up for hearing.

4. This Court by order dated 13-9-2017 has passed following order in W.P.(C)Nos.2009/2015 & 2010/2015: -

> "39. For the foregoing reasons, the impugned order passed by the Director, Town & Country Planning dated 17-7-2015 and 22-8-2015 and consequential review orders are hereby quashed. The writ petitions are allowed subject to the following directions: -
>
> 1. So far as Village Dunda is concerned, the petitioners' case with regard to change of land use will be considered in accordance with Section 23-A of the Adhiniyam, 1973, and the Rules, 1984, keeping in view the observations made herein-above and as per other applicable provisions within a period of two months from the date of production of a certified copy of this order and thereafter, application for layout permission will be considered accordingly.
>
> 2. So far as Villages Boriyakala and Sejbahar are concerned, entire exercise of considering the

> layout permission application will be completed afresh within a period of 45 days from the date of production of a certified copy of this order. The petitioners will file all necessary documents / title deeds to satisfy the competent authority."

5. Since in compliance of the order dated 13-9-2017, order dated 29.12.2017 has been passed and notification has been issued after considering the application for layout permission, the order passed in W.P.(C)Nos.2009/2015 & 2010/2015 stood complied with substantially.

6. In the order passed in W.P.(C)No.1750/2016 a statement has been recorded as under: -

> "2. Mr. Vivek Chopda, learned counsel appearing for respondent No.7, would submit that all the allottees who have been alloted the land owned by respondent No.7-M/s. Sanjay Bajpai Builders Private Limited shall be allotted encumbrance free land owned by respondent No.7 on the basis of mutual consent."

7. This contempt case {Contempt Case (C) No.1088/2018} was filed on 20-9-2018, whereas, the order / notification has been passed by the Government complying the order passed in W.P.(C)Nos.2009/2015 & 2010/2015, on 29-12-2017. If the petitioners are aggrieved against the non-compliance of the order passed in W.P.(C)No.1750/2016 and other similar petitions, they are at liberty to move this Court again after waiting for reasonable time in view of the order passed by the State Government and the stand taken by respondent No.7, if the order is not complied with and the statement made before the Court in W.P.(C) No.1750/2016 and connected petitions is not honoured, as notification in compliance of the order passed in W.P.(C) Nos.2009/2015 & 2010/2015 has been issued on 29-12-2017 and lay out has been revised by the said order.

8. With the aforesaid observation and direction, all the contempt cases stand disposed and consequently, the application(s) for appropriate

direction also stands disposed of with liberty so reserved in favour of the contempt petitioners.

9. All interlocutory applications also stand finally disposed of.

Sd/-
(Sanjay K. Agrawal)
Judge

Soma