

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 252 of 2021

- Shiv Kumar Sahu S/o Ramratan Sahu Aged About 53 Years R/o House No. 67/1 Ward No. 42, Rajeev Nagar, Near Gujrati School Basantpur, Rajnandgaon, Distt.- Rajnandgaon, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through- The Secretary, Department Of Urban Administration, Mantralaya, D.K.S. Bhawan, Raipur, Chhattisgarh
2. The Collector District Rajnandgaon, Chhattisgarh
3. The Commissioner Municipal Corporation, Rajnandgaon, Chhattisgarh
4. The Tahsildar Tahsil- Rajnandgaon, Distt.- Rajnandgaon, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Rakesh Thakur, Advocate
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For Respondent/ State	:	Shri Somkant Verma, P.L.
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Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21.01.2021

Heard.

1. The grievance of the petitioner is that the petitioner has been served with a notice dated 20.10.2020 whereby the petitioner has been asked to remove the construction on the ground that he has encroached upon the government land and illegal platform has been constructed. He further submits that the mother of the petitioner had purchased the property wayback in the year 1973, thereafter the house was constructed and subsequently certain construction was legalized vide Annexure P-3 by Town and Country Planning and presently the land is situated at Rajeev Nagar Road Basantpur bearing Kh No. 22/6, 22/12 and 23/3 admeasuring 121.40 sq. mt and without adhering to such document simpliciter notice has been

served to the petitioner to demolish the superstructure branding it as illegal construction. He refers to certain orders passed by the Coordinate Bench and would submit that the case of the petitioner is similarly situated.

2. Prima facie, considering the documents which is placed before the Court, this Court is of the opinion that no purpose would be served in keeping the petition pending, instead Municipal Corporation is directed to demarcate the land of the petitioner taking into the sale deed and also the regularization which has been made and thereafter after the measurement they should ascertain whether any illegal construction has been carried out beyond regularization which has already been made. It is obvious in the event, if it is found that the property falls within regularized ambit and in eventuality the land is required for widening of the road the Municipal Corporation shall take appropriate steps to compensate the petitioner in accordance with law. It is further directed that to arrive at such conclusion, the petitioner shall be given proper opportunity of hearing and to place all the necessary relevant documents before the Municipal corporation after such issue is resolved Municipal Corporation shall take measures in accordance with law. Till then no forceful eviction or demolition shall be carried out.
3. With the aforesaid observation, the petition stands disposed of.

Sd/-
(Goutam Bhaduri)
Judge

Jyoti