

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 299 of 2021**

- Maheshwari Lal Sao S/o Late Duryodhan Sao Aged About 62 Years Ro H/32, Ward No. 45, Kamla Collage Road, Laxmi Nagar, Rajnandgaon, District Rajnandgaon Chhattisgarh **---- Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Urban Administratin, 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, District Rajnandgaon, Chhattisgarh

---- Respondents

For Petitioner : Mr. Rakesh Thakur, Advocate

For State/Respondents No. 1, 2 & 4 : Mrs. Sunita Jain, G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****22.01.2021**

Heard.

1. The grievance of the petitioner in the present writ petition is that the brother of the petitioner namely Milind Sao has been served with a notice dated 20.10.2020 (Annexure P/2) wherein it has been stated that the petitioner has encroached upon the government land and constructed a boundary wall.
2. Learned counsel for the petitioner submits that the petitioner is the owner of the land bearing Khasra Nos. 22/3, 22/4 & 22/26 ad-measuring 1200 square feet and his brother is residing in the said house. He would further

submit that the petitioner has been served with a notice by the Municipal Corporation without there being any substance as to how the petitioner has been said to be an encroacher as the construction has been made on the private land of the petitioner, therefore omnibus notice has been issued vide Annexure P/2 that the petitioner has encroached upon the government land.

3. Perused the notice Annexure P/2 dated 20.10.2020. The notice simply purport that the petitioner has encroached upon the certain government land therefore he is required to be removed as the particulars of land are completely unknown, therefore the notice dated 20.10.2020 (Annexure P/2) is put to execution, it will lead to irreparable loss to the petitioner. Considering the facts, It is directed that the respondent authority Municipal Corporation Nagar Nigam shall demarcate the land of the petitioner bearing Khasra No. 22/3, 22/4 & 22/26 ad-measuring 0.012 hectares with the help of the revenue authorities and the petitioner shall be heard before any further order is passed. The petitioner shall also be given the proper opportunity to place all his ownership documents so that the identity of his property is made known. Before such exercise is carried out, no demolition may be carried out by the respondent authority.
4. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

(Goutam Bhaduri)
Judge