

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 298 of 2021

- Manoj Kumar Nishad S/o Manbodhi Ram Nishad Aged About 45 Years House No. 65 Ward No. 42, Rajeev Nagar, Near Gujrati School Basantpur, Rajnandgaon, District- Rajnandgaon (C.G.)

---- Petitioner

Versus

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

---- Respondents

For Petitioner	:	Mr. Rakesh Thakur, Advocate
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For State	:	Mrs. Sunita Jain, G.A.
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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 petitioner has been served with a notice dated 20.10.2020 (Annexure P/4) whereby the petitioner has been asked to remove the construction on the ground that he has encroached upon the government land and illegal boundary wall and septic tank have been constructed. He further submits that the father of the petitioner

Manbodhi Ram Nishad had purchased the property wayback in the year 1960, thereafter the house was constructed and subsequently certain construction, which was made, was legalized vide Annexure P-3 by Town and Country Planning. It is further submitted that presently the land is situated at Rajeev Nagar Road Basantpur Ward No. 42 bearing Khasra No. 17/11 admeasuring 0.04 dismal. It is stated that without taking note of such document the demolition notice has been served and in respect of the construction, the petitioner is served with a notice 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 ownership document and also the documents of 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

Vishakha