

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Appeal No. 37 of 2021

(Arising out of order dated 29.01.2021 passed by the learned Single Judge in WPC No. 3123 of 2020)

- Moh. Sayeed Khan S/o Late Shri A.K. Khan, Aged About 60 Years R/o Bsnl Colony, B.R. Road, Ward No. 12, District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Appellant

Versus

1. State Of Chhattisgarh Through Secretary, Urban Administration And Development Department, Mahanadi Bhawan, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Municipal Corporation Rajnandgaon, Through The Commissioner, Municipal Corporation, District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh
3. The Sub Divisional Officer, Rajnandgaon, District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Respondents

For Appellant	: Mr. Krishna Tandon, Advocate
For Respondent/State	: Mr.Sudeep Agrawal, Deputy Advocate General

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice

Hon'ble Shri Parth Prateem Sahu, Judge

Judgment on Board

Per, P. R. Ramachandra Menon, Chief Justice

02.02.2021

1. The Appellant approached this Court by filing the writ petition claiming to be a person/occupant of the premises for more than three decades and seeking to interfere with the steps for demolition being pursued by the Respondent/ local authority. The prayers are in the following terms:-

10.1 That the Records pertaining to the land and construction on it by the petitioner may be called for kind perusal of this Honourable Court.

10.2. That the respondent authorities may be directed to quash the notice dated 25/11/2020 regarding the demolition of premises and direct the respondents to set aside the entire proceedings related to notice dated 25/11/2020 and demolition as well as eviction.

10.3. That any other relief which this Hon'ble court may deem fit and just in the facts and circumstances of the case."

2. After considering the pleadings and prayers, the learned Single Judge made a threadbare analysis of the facts and figures and found that no relief was liable to be extended, thus, leading to dismissal of the writ petition as per judgment dated 29.01.2021, which is subjected to challenge in this appeal.
3. The learned counsel for the Appellant submits that the only prayer is for indulgence of this Court to grant one month's time to enable the Appellant to take out the movables and vacate the premises. The prayer is in the following terms:-

“ It is therefore, prayed that this Hon'ble Court may kindly be pleased to grant time of one month to the appellant for vacating the property on which the development and construction work is supposed to be conducted and also the appellant may be given opportunity to clear out his movable property from the said land and further the Hon'ble Court may kindly be pleased to set- aside the order dated 29.01.2021 passed by Hon'ble Single Bench, in W. P.(C) No. 3123/2020, in the interest of justice.”

4. The learned counsel for the Respondent/Municipal Corporation submits that the Appellant is a rank encroacher and that pursuant to proper steps taken, one portion of the premises occupied by him has already been demolished. With regard to the residential portion, which is still to be demolished, the learned counsel submits that the said Respondent does not have any objection in granting one month's time to remove the

movables belonging to the appellant and to effect vacant surrender. The said submission is recorded.

5. In the said circumstance, the relief sought for stands satisfied by virtue of the stand taken by the Respondent/Municipal Corporation. No further orders are called for.
6. In view of the course and events, it is made clear that the appellant shall effect the removal of the movables and effect vacant surrender of the premises by 01.03.2021. If vacant surrender is not effected in the meantime, it will be open for the Respondent-Corporation to proceed with further steps in accordance with law to cause demolition of the property, after taking inventory, if necessitated.

The Appeal stands disposed of as above.

Sd/-

(P.R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge