

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 929 of 2021**

- Dharmendra Lodha S/o Late Shri Lalchand Lodha, Aged About 54 Years R/o. Sundarganj Ward, Station Road, Dhamtari, P.S. And Tehsil Dhamtari, District Dhamtari Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its Secretary, Department Of Urban Administration And Development, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh
2. Collector Dhamtari, District Dhamtari Chhattisgarh
3. Municipal Corporation Dhamtari, Through Its Commissioner, Tehsil And District Dhamtari Chhattisgarh
4. Tehsildar Dhamtari, Tahsil And District Dhamtari Chhattisgarh

---- Respondents

For Petitioner : Shri Surfraj Khan, Advocate with Ms. Prakritee Jain, Advocate

For Respondents/State : Ms. Richa Shukla, Dy. GA

For Respondent No.3 : Shri H.B. Agrawal, Sr. Adv. With Shri Pankaj Agrawal, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order****09/02/2021**

1. Heard.
2. Learned counsel for the petitioner would submit that in a demolition proceeding in the year 2011 certain part of the building was demolished by respondent No.1. He would further submit that the petitioner since was carrying out the repairing/plastering of the demolished part to make it habitable, the petitioner

was served with a notice dated 30.01.2021 (Annexure P-1). He would further submit that the respondents may be directed to hear the petitioner as it already submitted that the petitioner is neither carrying out fresh construction nor raising any fresh superstructure only the repairing work is being carried out. He would therefore, submit that the respondents may be directed to hear the petitioner thereafter suitable orders may be passed pursuant to the notice dated 30.01.2021 (Annexure P-1).

3. Learned counsel for the respondents would submit that the notices have been served to the petitioner and the petition is premature.
4. Considering the submission made, since the notice dated 30.01.2021 has already been served on 31.01.2021, the petitioner may file his reply along with the necessary documents and thereafter after giving opportunity of hearing to the petitioner, the Municipal Corporation may pass the necessary order as envisaged under the law. It is observed that till such hearing pursuant to the notice dated 30.01.2021 (Annexure P-1) is decided, no forceful demolition shall be carried out.
5. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu