

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1090 of 2021

Ashok Kumar Shrivastav, S/o. Shri Ganeshlal Shrivastav, Aged About 68 Years,
R/o. Basantpur Ward No. 43, Rajeev Nagar, Near Gujrati School Basantpur,
Rajnandgaon, District Rajnandgaon Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh, Through the Secretary, Department Of Urban Administration, Mantralaya, Mahanadi 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. Shashi Bhushan Tiwari, Advocate
For State/Respondents No.1, 2 & 4.	:	Mr. Akash Pandey, Panel Lawyer
For Respondent No.3	:	Mr. Saurabh Sharma, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

24.02.2021

Heard.

1. The grievance of the petitioner in the present writ petition is that the petitioner is 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 has been constructed.
2. Learned counsel for the petitioner refers to Annexure P-1 and would submit that the petitioner has purchased the subject property i.e. part of land bearing Khasra No.22/2 admeasuring 960 sq.ft. at village Nandai by a registered sale deed and after such purchase, after the building permission, the construction has been made. It is further stated that without taking note of such document, the demolition notice has been served.
3. 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 thereafter after the measurement they should ascertain whether any encroachment has been made over the government land. It is obvious, if it is found that the petitioner has constructed as per his ownership over the land which do not belong to the government then no forceful demolition be carried out and if it is found that 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.

4. With the aforesaid observation, the petition stands disposed of.

Sd/-
(Goutam Bhaduri)
Judge

Aks