

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1386 of 2021

1. Toshan Rathod, S/o Late Shri Keshavji Rathod, Aged About 69 Years R/o Station Road, Mahasamund, District - Mahasamund Chhattisgarh
2. Bharat Rathod, S/o Late Shri Basant Rathod, Aged About 51 Years R/o Station Road, Mahasamund District - Mahasamund Chhattisgarh.

---- Petitioners

Versus

1. State Of C.G. Through The Secretary, Government Of Chhattisgarh, Department Of Urban Administration, Mahanadi Bhawan, Mantralaya, Naya Raipur, Raipur Chhattisgarh.
2. Municipal Council, Mahasamund, Through Its Chief Municipal Officer, Municipal Council, Mahasamund, District - Mahasamund Chhattisgarh.
3. Pankaj Chandrakar, R/o Gaurav Gas Agency, Baronda Chowk, Mahasamund And District Mahasamund Chhattisgarh.
4. Collector, Mahasamund, District - Mahasamund Chhattisgarh.
5. District Excise Officer, Mahasamund, District Mahasamund Chhattisgarh.

---- Respondents

For petitioners – Shri Siddharth Rathod, Advocate.

For State – Smt. Astha Shukla, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

08/03/2021

Heard.

1. Learned counsel for the petitioners submits that respondent No.3 is raising illegal construction adjacent to the land of the petitioners without taking any permission from the Municipality, Mahasamund which would be evident from Annexure P-5 and thereafter has offered the same for opening of the liquor shop. He would submit that opening of the said liquor shop may cause nuisance to the adjacent land owners and lead to illegality, therefore the petitioner made an application to the Collector, Mahasamund by Annexure P-8 which may be directed to be decided.
2. The petition at this stage appears to be premature. Without any observation on the merits, only considering the Annexure P-5 which is communication made by

the Municipality, Mahasamund for construction that no permission was obtained by respondent No.3 before raising such superstructure, reading it with the Annexure P-8, representation of the petitioner, it is directed that the Collector, Mahasamund may decide the representation of the petitioner in accordance with law.

3. With such observation, the petition stands disposed of.

Sd/-

(Goutam Bhaduri)

JUDGE

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