

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1223 of 2021

Anil Sarna S/o Late Shri S.K. Sarna Aged About 46 Years R/o Mig 09,
Hudco Sector, City Bhilai, District Durg Chhattisgarh. --- **Petitioner**

Versus

1. State of Chhattisgarh through the Secretary, General Administration Department, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur Chhattisgarh.
2. Municipal Corporation Through The Commissioner , Municipal Corporation , Bhilai, District Durg Chhattisgarh.
3. Administrative Officer Zone-1, Municipal Corporation , Bhilai, District Durg Chhattisgarh.
4. Assistant Revenue Officer Zone 1 Municipal Corporation , Bhilai, Nehru Nagar, District Durg Chhattisgarh.
5. Bhilai Steel Plant Chief Town Administrator Civic Centre, Bhilai , District Durg Chhattisgarh. --- **Respondents**

Appearance:

For the petitioner : Mr. T. K. Tiwari, counsel for the petitioner.
For the State : Mrs. Richa Shukla, Dy. Govt. Advocate.
For respondents 2 to 4 : Mr. H. B. Agrawal, Sr. Advocate with Ms. Pankaj
Agrawal as standing counsel for the Corpn.
For respondent No. 5 : Mr. Ashish Surana, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

04.03.2021

1. Heard.
2. Learned counsel for the petitioner would submit that the Municipal Corporation, Bhilai, without there being any notice and without any demarcation of the plot area and house of the petitioner has demolished the boundary wall and other super-structure. Therefore, the respondent-Municipal Corporation may be directed to demarcate the land/plot area of the petitioner. He further submits that the colony

area was initially of HUDCO & BSP which was known as HUDCO sector and the petitioner was allotted LIG House in 1994-1995 by HUDCO, and the father of the petitioner was given the house and plot in the year 1985. He would further submit that without giving any opportunity of hearing, the part demolition has been carried out. On the earlier occasion, this Court by order dated 25.02.2021 has directed the Bhilai Steel Plant through Town Administrator to place on record as to how much area was actually allotted to the petitioner in respect of the LIG.

3. Today counsel appearing for respondent No.5 Bhilai Steel Plant refers to the document (Annexure P-2) and would submit that according to the Housing Scheme of Bhilai Steel Plant for the LIG plinth area was 22 square meters. He placed the document and would submit that the whole document would show that the plot area of the house is 96 square meters i.e., 8 x 12 square meters in size. He would further submit that only with the ground floor, the LIG was allotted. It is also submitted that the HUDCO colony has been handed over to the State in the year 2008.
4. In view of such submission, the Municipal Corporation is directed to demarcate the plot area of LIG of the petitioner to the extent of 96 square meters (8 x 12 sq.mts. in size) and the plinth area to 22 meters and thereafter if the construction or the encroachment is found beyond the specified area then the petitioner may be given notice and opportunity of hearing and thereafter, the Municipal Corporation would be at liberty to pass orders and take suitable measures in accordance with law.
5. With such observation/direction, this writ petition stands finally disposed of.

Sd/-
GOUTAM BHADURI
JUDGE