

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****WPC No. 4 of 2012**

Smt.Pholu Bai Parekh aged about 83 years, W/o Shri Meghraj Parek,
R/o Station Road, Sunderganj Ward, Makai Chowk, Dhamatrai,
Chhattisgarh
--- **Petitioner**

Versus

1. State of Chhattisgarh, through Secretary, department of Urban
Administration & Development, D.K.S. Bhawan, Raipur, Chhattisgarh.

2. The Collector, Dhamtari, District Dhamtari Chhattisgarh.

3. Municipal Council, Dhamtari through Chairman, Distt. Dhamtari,
Chhattisgarh.

4. Chief Municipal Officer, Municipal Council, Distt. Dhamtari,
Chhattisgarh
--- **Respondents**

For the Petitioner : Mr. Ashish Surana, Advocate
For the State : Mr. Mr. Alok Bakshi, Addl. Advocate General
For respondents 3 & 4: Mr.Yashwant Singh Thakur, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****21.06.2021**

1. Heard.

2. Learned counsel for the petitioner submits that during the pendency of this petition, the demolition was carried out, however, the said demolition drive was not in accordance with law and direction given by this Court in W.P.No.7396 of 2011. It is therefore submitted that the petitioner may have to approach an appropriate forum as the different question of facts are required to be proved for damages, therefore, he may be granted liberty to avail appropriate remedy as available before the appropriate forum in accordance with law.

3. Considering the submission made and since the demolition has already been carried out, the relief(s) as have been sought cannot be entertained by this Court at this moment and in order to claim damages, since the petitioner may require to prove the disputed question of facts and law, liberty is given to him to approach appropriate forum by filing a duly constituted petition/suit within a reasonable time.
4. With the above observation, this writ petition stands disposed of.

**Sd/-
GOUTAM BHADURI
JUDGE**