

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 2145 of 2021

- Mohd. Jahid S/o Ajmeri Khan Aged About 47 Years R/o C/o Ajmeri Khan, House No. 326, Farid Nagar, Vtc Supela Bhilai, District Durg Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Revenue Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur District Raipur Chhattisgarh
2. Collector Durg District Durg Chhattisgarh
3. Commissioner Municipal Corporation Bhilai, District Durg Chhattisgarh
4. Building Officer Municipal Corporation Bhilai, District Durg Chhattisgarh
5. Anwar Hussain S/o Nawab Jafur R/o Khasra No. 7371, P. H. No. 14/19, Farid Nagar, Vtc Supela Bhilai District Durg Chhattisgarh

---- Respondents

For Petitioner	:	Mr. P. Chetan Kumar, Advocate
For State	:	Ms. Akansha Jain, Dy. G.A.
For respondents No. 3 & 4	:	Mr. Pankaj Agrawal, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

29.11.2021

1. Heard on petition.
2. In the present petition, the impugned order dated 05.03.2021 (Annexure P/1) is under challenge whereby the respondents No. 3 & 4 have granted permission for construction to the respondent No. 5.
3. It is submitted by the learned counsel for the petitioner that the land, on which the respondent No. 5 is raising construction, is a road which has been illegally encroached by the respondent No. 5. It is submitted that without any verification or inspection, the sanction for construction has been granted because of which the construction raised by the respondent No. 5 has obstructed the path of the petitioner. The petitioner has filed a representation before the respondent No. 3 on 02.03.2021 praying to withdraw the sanction

granted to the respondent No. 5 which has not been considered till date, therefore appropriate order be passed.

4. Learned State counsel opposes the submission.
5. Learned counsel representing respondents No. 3 & 4 opposes the submissions and submits that according to the averments in the petition, there appears to be a civil dispute present between the petitioner and the respondent No. 5, therefore the petitioner should be directed to approach the civil Court. It is further submitted that the representation filed by the petitioner shall be decided by the respondent No. 3 at the earliest, hence the petition be disposed off.
6. After considering on the submissions and perusal of the documents present in the record, this petition is disposed off at the motion stage with a direction that respondent No. 3 shall consider and take decision on the application filed by the petitioner at the earliest preferably within a period of 30 days after giving opportunity of hearing to the petitioner and respondent No. 5. The other civil dispute between the petitioner and the respondent No. 5 can be redressed by filing a civil suit.
7. With such observations/ directions, the petition stands disposed off.

Sd/-
(**Rajendra Chandra Singh Samant**)
Judge