

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 2639 of 2021**

1. Rishikesh Sharma S/o Shankar Prasad Sharma Aged About 57 Years R/o Block No. 09, Plot No. 7 And 8 Nehru Nagar East Bhilai, District Durg Chhattisgarh
----- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Urban Administration And Development, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur District Raipur Chhattisgarh
2. Municipal Corporation Bhilai Through Commissioner, Bhilai, District Durg Chhattisgarh
3. Deputy Commissioner Municipal Corporation Bhilai, Bhilai District Durg Chhattisgarh
4. Building Construction Officer Municipal Corporation Bhilai, Bhilai District Durg Chhattisgarh
5. Zone Commissioner (Zone No. 01) Municipal Corporation Bhilai, Bhilai District Durg Chhattisgarh
6. Town And Country Planning Through Deputy Director, Behind Collector Parisad, Mahavir Nagar, Balak Bhawan Path Durg District Durg Chhattisgarh
-----**Respondents**

For Petitioner	: Shri Kishore Bhaduri, Sr. Advocate along with Shri Pankaj Singh, Advocate.
For State/Res. No. 1 & 6	: Shri Amrito Das, Addl. A.G.
For Respondents No. 2 to 5	: Shri Apurv Goyal, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****02.07.2021**

1. The present writ petition has been filed apprehending some drastic action on the part of the respondents No. 2 to 5 in so far as the residential house constructed by the petitioner at Block No. 09, Plot No. 7 & 8, Nehru Nagar-East, Bhilai Distt. Durg.
2. According to the Counsel for the petitioner, the petitioner had sought

permission for construction of the house in Plot No. 7 & 8 which in due course of time was granted and petitioner also has obtained a completion certificate from the respondents No. 2 to 5 issued as early as on 05.04.2008. After a period of around 13 years, abruptly now a notice dated 16.06.2021 (Annexure P/5) was issued to the petitioner alleging that the completion certificate was obtained in contravention to the Rules governing the field and the petitioner was called upon to give his explanation within seven days. Perusal of the pleadings would show that the petitioner in-fact has submitted his response on 21.06.2021 (Annexure P/6).

3. Counsel for the petitioner submits that they have rushed to Court apprehending some strong predetermined decision by the respondents with a possibility of demolition of the house in which the petitioner resides.
4. Today when the matter is taken up for hearing, Counsel appearing for the respondents No. 2 to 5 makes a statement that subsequent to the response received by the petitioner there was also a spot inspection carried out and the spot inspection has been carried out in the presence of the petitioner and the report of the spot inspection is awaited.
5. The Learned Counsel for the respondents No. 2 to 5 further submits that subject to the receipt of the spot inspection report in the event of any deviation in the construction detected, appropriate statutory actions shall be taken by the respondents after due notice to the petitioner and the petitioner also would be granted sufficient time for rectification of the error, if any detected in the course of the spot inspection.
6. Given the said submission by the Counsel for the respondents No. 2 to

5, this Court is of the opinion that nothing further remains to be adjudicated upon in the present petition, at this juncture. The present writ petition accordingly is disposed of expecting the respondents No. 2 to 5 to take an appropriate measure strictly in accordance with provisions of law governing the field and also after fair and reasonable opportunity to the petitioner.

7. With the aforesaid observations, Writ Petition stands disposed of.

Sd/-

P. Sam Koshy
Judge