

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2995 of 2021

1. Dr. Akhilesh Rai S/o Janardan Ram Aged About 52 Years R/o Street No. 6, Near Shiv Temple, Kadambri Nagar, Durg, District Durg Chhattisgarh.
2. Dr. Sudarshan Rai S/o Late Bhagirathi Ram Aged About 56 Years R/o Near I.M.A. Square Dhamdha Road, Mohan Nagar, Durg, District Durg Chhattisgarh.
3. Radheshyam Rai S/o Late Pashupati Nath Rai Aged About 53 Years R/o House No. 87/1, Arya Nagar, Durg, District Durg Chhattisgarh.
4. Jagdish Prajapati S/o Jaivishnu Prajapati Aged About 48 Years R/o MIG 1/273, Aditya Nagar, Durg, District Durg Chhattisgarh.
5. C.P. Mishra S/o Ramsiya Mishra Aged About 50 Years R/o Street No. 37, House No. 5/4, Sector -11, Zone - 2, Khursipar, Bhilai, District Durg Chhattisgarh.

----- Petitioners

Versus

1. State Of Chhattisgarh Through Directorate Of Town And Country Planning, Indravati Bhawan, Atal Nagar, Naya Raipur Chhattisgarh.
2. Joint Director Of Town And Country Planning Collectorate Campus Mahavir Nagar Durg Chhattisgarh.
3. The Collector District Durg Chhattisgarh.
4. The Commissioner Nagar Palik Nigam Durg Chhattisgarh
5. The Sub Divisional Officer (Revenue) Durg District Durg Chhattisgarh.
6. The Tahsildar Durg, District Durg Chhattisgarh.

----- Respondents

For Petitioners : Shri Pushkar Sinha, Advocate

For Respondents/ State : Shri Ashish Tiwari, G.A.

For Respondent No. 4 : Shri Pankaj Agrawal, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

26.07.2021

Heard

1. Learned counsel for the petitioners submit that the petitioners are owners of

particular plot bearing Khasra No. 294/1 situated at Sikola, Priyanka Nagar, Durg, Tehsil & District Durg, C.G.. It is contended that the layout plan was approved by Department of Town and Country Planning and according to that the constructions were raised. It is submitted that as per the layout plan 60 feet road was approved and open space were required to be left to be used for utilities of occupants of the area. It is further submitted that certain unauthorized persons are raising construction over the road and open space against the approved layout plan against which the petitioners have filed an application before the Town and Country Planning and Commissioner, Municipal Corporation, however the same is not taken cognizance of. Therefore, he prays that respondents may be directed to decide the grievance of the petitioner.

2. Perused the documents and heard learned counsel for the parties.
3. Considering the submissions of the petitioners, since the original application was of the year 2019, the petitioners are at liberty to file a fresh application to the Joint Director, Town and Country Planning, Collector and the Commissioner raising all the grievance within a period of 45 days from today and if such applications are filed stating that certain constructions are being made against the approved layout plan, then the concerned authority shall take action against the unauthorized persons after hearing them within a period of 6 months from the date of copy of the representation.
4. With the aforesaid observation, the petition stands disposed of.

Sd/-
(Goutam Bhaduri)
Judge

Jyoti