

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 3174 of 2021

1. Sunil Kumar Taparia, S/o Shri S. C. Maheshwari Aged About 52 Years
2. Dinesh Chandra Taparia, S/o Shri S.C. Maheshwari Aged About 48 Years
3. Hemant Kumar Taparia, S/o Shri S. C. Maheshwari Aged About 46 Years

All are R/o of Radha Krishan, Bayron Bazar, Raipur, Tehsil And District Raipur Chhattisgarh

---- Petitioners

Versus

1. The Municipal Corporation, Raipur Through Its Commissioner, Municipal Corporation, Raipur Chhattisgarh.
2. Zonal Commissioner, Zone No.2, Municipal Corporation, Raipur Chhattisgarh.

---- Respondents

For Petitioners	:	Shri Ankur Agrawal, Advocate
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For Respondents	:	Shri Sandeep Dubey, Advocate
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Hon'ble Shri Justice Goutam Bhaduri

Order on Board

05.08.2021

Heard.

1. The challenge in this petition is to the notice dated 14.07.2021 (Annexure P-1) wherein the petitioners have been asked to remove the dangerous part of the building which is in dilapidated condition within 15 days or may file Structure Stability Certificate.
2. Learned counsel for the petitioner submits and undertakes that in case any loss is caused to human life or property, the petitioners would be responsible. Therefore, he prays that the petitioners may be given some reasonable time to get the Structure Stability Certificate and within such time demolition by Municipal Corporation may not be carried out.
3. Learned counsel for the respondents would submit that they have no intention to cause forceful demolition but for the reason that part of the building is dangerous,

therefore the notice was issued under Section 310 (1) (2) (3) of the Municipal Corporation Act. It is further submitted that the petitioners may submit the structure Stability Certificate forthwith so that any untoward incident can be avoided.

4. Perused the documents and heard learned counsel for the parties.
5. Considering the submissions made, it is obvious that if the building is in dilapidated condition and in the opinion of the Commissioner dangerous to human life and property then long time to produce the Structure Stability Certificate may defeat the cause and purpose of the notice itself. It is obvious if any untoward incident happens in the meanwhile then in such case the petitioners who are the owner of the building would be liable for the loss. Since, it is prayed at the behest of the petitioners that some time may be granted to produce the Structure Stability Certificate, the petitioners are given 10 days time from today to file the Structure Stability Certificate before the Municipal Corporation.
6. In the meanwhile, the petitioners shall ensure all safety measures and in case during such period any accident happens it would be held that it is because of deliberate delay on the part of the petitioners the untoward incident has happened. Further, when the Structure Stability Certificate is filed, the Municipal Corporation shall immediately examine the same by their expert team and thereafter shall be free to take action under Section 310 of the Municipal Corporation Act, 1956.
7. With the aforesaid observation, the petition stands disposed off.

Sd/-
(Goutam Bhaduri)
Judge