

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 4011 of 2021

- Jashoda Devi W/o Parasmal Sethiya Aged About 62 Years R/o Shiva Nagar, Raigarh, Tahsil And District Raigarh (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Urban Administration, Atal Nagar, Raipur, District Raipur Chhattisgarh
2. The Collector Raigarh Collectorate Raigarh, District Raigarh (Chhattisgarh)
3. The Municipal Corporation Raigarh Through The Commissioner, Thana City Kotwali Tahsil And District Raigarh (Chhattisgarh)

---- Respondents

For Petitioner : Shri N.K. Malaviya, Advocate

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

For Respondent No. 3 : Shri Pankaj Agrawal, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

04.10.2021

Heard

1. The instant petition has been filed to quash notice dated 20.09.2021 (Anneuxre P-1).
2. Learned counsel for the petitioner would submit that petitioner has purchased part of the property plot No. 285/2 admeasuring 636 Sq. feet which is a *Nazul* land, therefore any construction if is carried on such land, Municipal Cooperation do not have any power to interfere. It is contended that the petitioner is only carrying on repair work in the site. He further submits that

the petitioner herself has intimated the Commissioner about the repair work. It is further contended that no individual notice has been given to the petitioner and petitioner would have been personally served, therefore Annexure P-1 is liable to be quashed.

3. Perusal of Annexure P-1 would show that a general notice was issued stating not to raise any illegal construction and if petitioner is not served with a notice then it is very astonishing as to how she is coming to the Court to claim the relief. Furthermore, the submission of the petitioner that property is a *Nazul* land and therefore Municipal Cooperation cannot interfere in it, is completely misconceived contention. Admittedly property is within the Municipal limit and any construction within Municipal limit needs to be regulated within the Municipal Laws. Though counsel for the petitioner submits before the Court that petitioner is only carrying on the repair work, reading of Annexure P-5 which is a letter given to the Commissioner would show admission is made that debris which was lying on the purchased plot was removed and new construction was absolutely necessary, therefore contrary facts come to fore and it is obvious that if the petitioner is raising certain construction which is within the Municipal limit then map is required to be passed as per the Municipal sanction. In absence thereof no one can raise construction to his wish and will. Consequently the petition is completely misconceived and devoid of any substance.
4. Accordingly, the petition sans merit is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Jyoti