

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 4077 of 2021**

- Rajkumar Naidu S/o Shri K.S. Naidu, Aged About 63 Years R/o Flat No. A 601, Avenue-144, Near Medishine Hospital, New Rajendra Nagar, Amlidih, Raipur Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its Secretary, Urban Administration And Development, Mahanadi Bhawan, Nava Raipur, Atal Nagar, District Raipur Chhattisgarh
2. Municipal Corporation Raipur, Through Its Commissioner, Raipur (Chhattisgarh)
3. Zone Commissioner, Zone No. 4, Municipal Corporation Raipur Chhattisgarh

---- Respondents

For Petitioner	:	Shri Ali Asgar, Advocate
For Respondents/State	:	Shri Ravi Bhagat, Dy. GA
For Respondents No.2 & 3	:	Shri Sandeep Dubey, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order****05/10/2021**

1. Heard.
2. The grievance of the petitioner is that illegal construction was carried within municipal limit covering the road & drain and constructions are made without sanction of map. The petitioner though made applications to the municipal corporation but those complaints have been shelved. It is further submitted that the petitioner subsequently wanted to obtain the necessary documents and the

particulars of construction under the RTI but it was replied that the particulars of the construction over the Nazul Land are not available. It is further contended that in respect of the Nazul Land at Block No.16, plot No.21/15 the building permission and the map though was sought for but it was not provided. It is further contended that as per Section 322 of the Municipal Corporation Act, 1956 (hereinafter referred to as the Act, 1956) the provision of obstruction of the street cannot be made, therefore, the respondent Municipal Corporation, Raipur may be directed to carryout the survey in the entire plot No.21/15 of the restaurant or Block No.16 which is in the name of Bamboozza restaurant and other shops which fall in the line and necessary measures be taken under the Act, 1956.

3. Learned counsel for the respondent Municipal Corporation would submit that they are ready to survey not only the house of plot No.21/15 but the entire line of the street and will examine whether any illegal construction is being carried out or not over the street or blockage of the drain etc. as they are duty bound under Section 322 of the Act, 1956. He would submit that the State may be directed to co-operate.
4. Considering the submission of the parties it is directed that the Municipal Corporation, Raipur shall carry out the inspection in respect of the property situated over Plot No.21/15, Block No.16 of Sitacharan Daharwal S/o Late Daduram Daharwal and shall also carry out the survey by demarcation of the shops of the entire line to find out whether any encroachment on street or over the drain is made out or not. Therefore, if it is found that certain constructions are made contrary to the municipal sanctioned plan and road & drains have

been encroached upon then in such cases the necessary parties shall be given an opportunity of hearing and thereafter necessary orders or measures as contemplated under the Municipal Corporation Act shall be taken.

5. It is further observed that the State shall extend all co-operation and police help if needed in carrying out the survey of the house/shops pursuant to direction given in this order.
6. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu