

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 3178 of 2020

- Sanjay Sharma S/o Late Bhagirathi Sharma Aged About 50 Years R/o Thetwar Para Raigarh District Raigarh Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Mantralaya, Atal Nagar, Mahanadi Bhawan, Naya Raipur District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Collector Raigarh District Raigarh Chhattisgarh.
3. Commissioner Municipal Corporation Raigarh, District Raigarh Chhattisgarh.

---- Respondents

For Petitioners	:	Shri Vivek Kumar Tripathi, Advocate
For Respondent/ State	:	Shri Richa Shukla, Dy. G.A.
For Respondent No. 3	:	Shri Sudeep Agrawal, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02.02.2021

Heard.

1. Learned counsel for the petitioner would submit that the petitioner is a lessee of a pot bearing No. 182, 226/2 admeasuring 910 Sq. foot which is situated at Thetwar Para, Raigarh. It is further submitted that the respondent without acquisition of the land have started construction of the road in the said pot and subsequently the application filed for construction of boundary wall is not considered.
2. Learned counsel for respondent No. 3 on instructions submits that the respondent have not encroached over a inch of the land of the petitioner, however in respect of the construction of the boundary wall, if the

applications is filed with the necessary documents which are required to raise the construction, after proper procedure, same would be considered in accordance with the law.

3. In view of the submission made, no construction is being made that of the road, therefore, any restraint order at this stage would be at infinity. In view of the submission made, it is directed that the petitioner shall make a application for necessary permission for construction of boundary wall with all necessary documents in accordance of law and if such application is filled it would be considered as per the Municipal law.
4. With the aforesaid observation, the petition stands disposed of.

Sd/-
(Goutam Bhaduri)
Judge

Jyoti

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

MCC No. 102 of 2021

Sanjay Sharma S/o Late Bhagirathi Sharma Aged About 50 Years R/o Thetwar Para
Raigarh District Raigarh Chhattisgarh

---- Applicant

Versus

1. State Of Chhattisgarh Through The Secretary, Mantralaya, Atal Nagar, Mahanadi Bhawan, Naya Raipur District Raipur Chhattisgarh.
2. Collector Raigarh District Raigarh Chhattisgarh.
3. Commissioner Municipal Corporation Raigarh, District Raigarh Chhattisgarh.

----Respondents

26/02/2021	Shri Trevenee Shankar Sahu, counsel for the applicant. Ms. Sunita Jain, G.A. for the State. Instant MCC has been filed to correct certain typographical mistake at para 1 of the order dated 02/02/2021 passed in WPC No.3178/2020. It is stated that instead of plot, pot has been typed and place situated at Thetwar Para, Raigarh has been shown whereas it is Bhuji Bhavan Chowk. After perusal of the petition para 8.1, 8.2 and 8.3 it is directed that the para 1 of the order dated 02/02/2021 passed in WPC No.3178/2020 be replaced as under:- “1.Learned counsel for the petitioner would submit that the petitioner is a lessee of a plot bearing No. 182, 226/2 admeasuring 910 Sq. foot which is situated at Bhuji Bhavan Chowk, Raigarh. It is further submitted that the respondent without acquisition of the land have started construction of the road in the said plot and subsequently the application filed for construction of boundary wall is not considered.”

gouri	Accordingly, the MCC stands disposed of. Sd/- (Goutam Bhaduri) JUDGE
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