

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.(C) No. 3330 of 2020

Dr. Smt. Shruti Siyal, W/o. Shri Rahul Siyal, Aged About 32 Years, R/o. House No. 78-A/3, Nehru Nagar (West), Bhilai, District Durg, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, Department Of Urban Development, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur District Raipur, Chhattisgarh.
2. Commissioner, Municipal Corporation, Bhilai, District Durg, Chhattisgarh.
3. Zone Commissioner Zone-1, Municipal Corporation Bhilai, District Durg, Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Manish Upadhyay, Advocate
For State/Respondent No.1:		Mr. Sunita Jain, Govt. Advocate
For Respondent No.2 & 3	:	Mr. H.B.Agrawal, Sr. Advocate with Mr. Pankaj Agrawal, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

08.02.2021

Heard

1. Learned counsel for the petitioner submits that the petitioner was allotted a Plot No.4 in part of Block No.20 at Nehru Nagar, Bhilai, by Municipal Corporation for residential purpose. It is stated that in the adjacent plots though they are residential they have been permitted to perform residential cum commercial activities, whereas the petitioner has not been allowed to do so and she was served with a notice dated 17.02.2021 (Annexure P-2) that the superstructure which stands over the plot should be strictly use for residential purpose alone. Therefore, since the adjacent plots are being used for residential -cum- commercial purpose, the petitioner has made an application to the Municipal Corporation Bhilai to consider her request to grant the likewise permission to the petitioner to use the plot as residential

-cum- commercial purpose, therefore, the same may be directed to be decided and till then the activities of the petitioner may not be arrested.

2. Considering the submission made, the respondent No.2 is directed to decide the application dated 06.03.2020 (Annexure P-1) within a period of 90 days from the date of receipt of a copy of this order to grant the permission as prayed for. If the likewise person of adjacent plots of the petitioner are being given permission that may also be a part of consideration while deciding the application of the petitioner. Till such application of the petitioner is decided, the petitioner may not be driven to a corner by any coercive method.
3. With the aforesaid observation, the petition stands disposed off.

Sd/-
(Goutam Bhaduri)
Judge

Aks