

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 5099 of 2021**

Neeldhar S/o Bholenath Aged About 37 Years R/o Kinjoli Para, Kavi Asna, District Bastar Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Urban Administraion Mahanadi Bhawan, New Mantralaya, Naya Raipur Chhattisgarh.
2. Municipal Corporation Jagdalpur Through Commissioner, Shantinagar Ward No. 25, Bus Stand Road, Jagdalpur Chhattisgarh.
3. District Registrar Jagdalpur O/f Collector District Bastar Chhattisgarh.
4. Station House Officer Police Station Bodhghat, Jagdalpur District Bastar Chhattisgarh.

---- Respondents

For Petitioner/s	:	Mr. Varun Sharma, Advocate
For State	:	Ms. Akansha Jain, Dy. GA

Hon'ble Shri Justice P. Sam Koshy**Order on Board****13/12/2021**

1. The challenge in the present writ petition is to the impugned order Annexure P-1 dated 11.11.2021 whereby the respondent no.2 has already made correspondence to the Station House Officer, Bodhghat Thana, Jagdalpur directing registration of the FIR against the petitioner for alleged plotting of the land owned by the petitioner being in contravention to the Section 292(c), 292 (d a), 292(d) and Section 36 & 37 of the Chhattisgarh Municipal Corporation Act, 1956 read with Section 36 of the Nagar Tatha Gram Nivesh Adhiniyam, 1973.
2. Counsel for the petitioner submits that he has sworn an affidavit in respect of the alleged reference of the notices dated 20.01.2021 and 12.02.2021 having not been delivered to the petitioner at all. He further

submits that there is also a provision for regularizing the Act which has not been done in accordance with the Municipal Corporation Act. He further submits that before initiating of any proceedings under Section 292(c) or for that matter registering of an FIR the authorities in all fairness ought to have initiated the proceedings under Section 396 of the Municipal Corporation Act as also under Section 79 of the Nagar Tatha Gram Nivesh Adhiniyam, 1973.

3. Taking into consideration the grievance of the petitioner that he has raised, this Court is of the opinion that in the entire facts and circumstances of the case, ends of justice would meet if the petitioner is permitted to approach the respondent no.2 by submitting his representation and explanation within a period of 15 days from today and respondent no.2 in turn shall consider and decide his representation within a further period of 60 days in accordance with law.
4. Till the respondent no.2 takes an appropriate decision on the explanation to be provided by the petitioner by way of a representation in respect of alleged illegal plotting of his property, the respondent no.4 shall not act further upon Annexure P-1 by registering an FIR, if an FIR till date has not been registered. However, after the decision of the respondent no.2 on the explanation/representation of the petitioner, if required an appropriate proceedings can be drawn in accordance with law.
5. With the aforesaid observation, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit