2025:CGHC:2204-DB

BABLU RAJENDRA BHANARKAR
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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 2394 of 2024

1 - Raj Kumari Mundra Wife Of Late Raj Kumar Mundra Aged About 68 Years

2 - Mukesh Mundra Son Of Late Raj Kumar Mundra Aged About 50 Years

3 - Pramesh Mundra Son Of Late Raj Kumar Mundra Aged About 48 Years

4 - Basant Mundra Son Of Late Raj Kumar Mundra Aged About 56 Years

5 - Vasanti Devi Mundra Wife Of Vijay Mundra Aged About 65 Years

6 - Manish Kumar Mundra Son Of Kiran Kumar Mundra Aged About 49 Years

All Resident Of Giriraj Agencies, Ramnagar, Supela, Bhilai, Tahsil And District - Durg, Chhattisgarh.

... Petitioners

versus

1 - State Of Chhattisgarh Through Its Secretary, Urban Administration Department, Mahanadi Bhawan, Atal Nagar, Nava Raipur, District - Raipur, Chhattisgarh.

2 - Raipur Development Authority Through Its Chief Executive Officer, Second Floor, Bhakt Matakarma Commercial Complex, New Rajendra Nagar, Raipur, Chhattisgarh.

3 - Chief Executive Officer Raipur Development Authority, Second Floor, Bhakt Matakarma Commercial Complex, New Rajendra Nagar, Raipur, Chhattisgarh.

4 - Municipal Corporation Raipur, Through Its Commissioner, Near Mahila Police Station, Gandhi Udyaan, Raipur, Chhattisgarh.

5 - Commissioner Municipal Corporation, Raipur Near Mahila Police Station, Gandhi Udyaan, Raipur, Chhattisgarh.

6 - Director Town And Country Planning, 3rd Floor, Block -4, Indravati Bhawan, Atal Nagar, Nava Raipur, District - Raipur, Chhattisgarh.

7 - Naib - Tahsildar Raipur, District - Raipur, Chhattisgarh.

... Respondents

For Petitioners	**:**	Mr.Sunder Lal Sahu, Advocate
For Respondents No.1, 6 and 7	**:**	Mr.Sanghrash Pandey, Government Advocate
For Respondents No.4 and 5	**:**	Mr.H.B.Agrawal, Senior Advocate assisted by Ms.Priti Yadav, Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board

***Per* Ramesh Sinha, Chief Justice**

14.01.2025

1. Heard Mr.Sunder Lal Sahu, learned counsel for the petitioners. Also heard Mr.Sanghrash Pandey, learned Government Advocate appearing for respondents No.1, 6 and 7/State and Mr.H.B.Agrawal, learned Senior Advocate assisted by Ms.Priti Yadav, learned counsel appearing for respondents No.4 and 5.

2. The present writ petition has been filed by the petitioners with the following prayer:

“10.1 The Hon’ble Court may kindly be pleased to declare that the Chhattisgarh Nagar Tatha Gram Nivesh (Amendment and Validation Act), 2017 is ultra vires to Part IX-A of the Constitution of India

Or

The Hon’ble Court may kindly be pleased to read down the provisions of Chhattisgarh Nagar Tatha Gram Nivesh (Amendment and Validation Act), 2017 which is repugnant to Part IX-A of the Constitution of India and to the provision of Chapter VI of the Chhattisgarh Municipal Corporation Act, 1956.

10.2 That the Hon’ble Court may kindly be pleased to quash the Indraprastha Phase-2 Town Development Scheme and the notification dated 8/4/2011 issued under section 50(7) of the Act of 1973 (Annexure P/1).

10.3 The Hon’ble Court may be pleased to declare that the Indraprastha Phase-2 Town Development Scheme has lapsed as per the unamended/unsubstituted Section 54 of the Act of 1973.

10.4 The Hon’ble Court may kindly be pleased to quash the Revenue Order dated 5/10/2019 (Annexure P/2) and the notice dated 21/3/2024

(Annexure P/3).

10.5 The Hon'ble Court may kindly be pleased to call for the entire records pertaining to issuance of the impugned final notification dated 8/4/2011 (Annexure P/1).”

3. Mr.H.B.Agrawal, learned Senior Advocate appearing for respondents No.4 and 5 has submitted that *vires* of the Chhattisgarh Nagar Tatha Gram Nivesh (Amendment and Validation Act), 2017 has already been challenged by some other persons which is subject-matter of WPC No.2769/2019, which is listed before the coordinate Bench of this Court for final hearing.

4. In that view of the matter, the present writ petition is **dismissed** on this ground alone with liberty to the petitioners to take recourse to law in the said petition, if so advised. No cost(s).

Sd/- Sd/-

(Ravindra Kumar Agrawal)
Judge

(Ramesh Sinha)
Chief Justice

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