CGHC010366852026 2026:CGHC:46819

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

REVP No. 355 of 2026

1 - Rajkumar Dwivedi S/o Late B. P. Dwivedi Aged About 53 Years R/o Sahgal Gali Vidyanagar, Bilaspur Distt. Bilaspur C.G.

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through Its Secretary, Urban Administration And Development Department, Mantralaya Mahanadi Bhawan Atal Nagar Nawa Raipur Distt. Raipur C.G.

2 - Collector Bilaspur Distt. Bilaspur C.G.

3 - Commissioner Nagar Palik Nigam Bilaspur Division Distt. Bilaspur C. G.

- Satya Narayan Pandey S/o Shri Kanhaiya Lal Pandey Age 37 Years, R/o Bilaspur C.G. (Respondent In Person) (Proposed Intervenor).

... Respondent(s)

For Petitioner(s)	:	Mr. Raj Kumar Gupta, Advocate.
For State/Respondent	:	Mr. Sangharsh Pandey, GA.
For Respondent No.3	:	Mr. Ashutosh Singh Kachwaha, Advocate.
For proposed Intervenor	:	Mr. Ankur Diwan, Advocate.

Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

04/11/2026

1. This Review Petition has been filed seeking review/recall of order dated 17.08.2026 passed in WPC No.5035 of 2025 {Rajkumar Dwivedi vs. State of Chhattisgarh and Others}.

2. WPC No.5035 of 2025 was filed for the following reliefs:-

> *"10.1 That, the Hon'ble Court may kindly be pleased to call the entire record pertaining to the notices given by the respondent No. 3.*
>
> *10.2 That, the Hon'ble Court may kindly be pleased to quash/set-aside the notices dated 04.08.2025, 19.08.2025, and 01.09.2025 (Annexure P/1) issued by the respondent No. 3.*
>
> *10.3 Any other relief/relief's which may deem fit and proper in the facts and circumstances of the case may also be allowed."*

3. Learned counsel for the review petitioner submits that the writ petition was filed on the following factual backdrop that review petitioner is the registered owner of the property situated at Sai Plaza, Juna Bilaspur, Patwari Halka No. 22, Khasra No. 202, R.N.M. Bilaspur, Block-Bilha, Tahsil and District-Bilaspur, falling within the limits of the Municipal Corporation, bearing Bhumi Seat No. 9, Block No. 5, Plot Nos. 56/3 and 56/2, Khasra Nos. 662/1 and 662/2, admeasuring 174 sq. ft., which was purchased by him from one Deepak Khandelwal by way of a registered sale deed dated 13.12.2001. It was the case of the petitioner that respondent No. 3/Municipal Corporation, acting upon complaints dated 04.08.2025, 19.08.2025 and 01.09.2025, initiated proceedings against him alleging encroachment upon the adjoining/extended land and operation of a "Chakhna Centre" from the premises. The petitioner disputed the aforesaid allegations as false, baseless and actuated by personal animosity, and contends that the premises comprises a duly registered shop owned by him, wherein a family restaurant is being

operated by his tenant, and that no encroachment has been made upon the adjoining land. Aggrieved by the action initiated by respondent No. 3 on the basis of the aforesaid complaints and allegations, the petitioner had approached this Court by filing the writ petition.

4. Learned counsel for the review petitioner submits that after hearing the parties, this Court observed in paragraph No.5 of the said order that since that petitioner therein/ review petitioner herein has specifically submitted that he has stopped running the *Chakhna* shop and undertook that he would not run the same in the future and the review petitioner was also directed to not to create any hindrance or disturbance which may result in breach of peace and tranquility of the concerned neighbours including the Intervenor.

5. Learned counsel for the review petitioner submits that the review petitioner has never run a *Chakna* shop in the first place let alone stop running it. He submits that only a small family restaurant is being run in his premises for which he has obtained license from Municipal Corporation. He submits that since the review petitioner never submitted that he ran a *Chakhna* shop, as such, a direction to stop running it is unwarranted. As such, he prays this Court for deletion or substitution of the sentence *"During the course of hearing, when the petitioner was specifically queried in this regard, he submitted that he has already stopped running the Chakhna Shop and undertook*

that he would not run the same in future" from paragraph No.5, which reads as under:-

> ***5.*** *Having heard learned counsel for the parties and upon perusal of the affidavit filed by the petitioner, it is found that, although the petitioner has stated that he will not make any further encroachment by extending his shop, nothing has been stated in the affidavit with regard to running of the "Chakhna Shop" (Munchies Shop). During the course of hearing, when the petitioner was specifically queried in this regard, he submitted that he has already stopped running the Chakhna Shop and undertook that he would not run the same in future. In view of the aforesaid pious submission made before this Court, the petitioner is directed not to make any encroachment in future and not to start or run a Chakhna Shop in future. He is further directed not to create any hindrance or disturbance which may result in breach of peace and tranquility of the concerned neighbours, including the intervener. However, the respondent-Municipal Corporation, Bilaspur (C.G.), as well as the intervener, shall be at liberty to file a complaint against the petitioner, in accordance with law, in the event of any breach of the conditions of the affidavit or the directions issued by this Court.*

6. Learned counsel for Respondent No.3 submits that in the writ petition, the review petitioner had filed an affidavit, however, in the said affidavit, the review petitioner had neither specifically stated nor undertaken that he has discontinued the temporary munchies shop, commonly referred to as a "Chakhna Shop". He further submits that the undertaking given by the review petitioner in the affidavit was confined only to removal of

the alleged encroachment and to an assurance that no encroachment or construction would be made in future, whereas there was no specific averment with regard to discontinuance of the aforesaid shop. Accordingly, learned counsel submits that the order under review does not warrant any interference.

7. I have heard counsel for the parties and perused the documents annexed with petition carefully.

8. Upon consideration of the submissions advanced by learned counsel for the parties, it appears that the controversy raised in the writ petition was not confined merely to the alleged encroachment but also pertained to the operation of a Chakhna Shop from the subject premises. It is in the backdrop of the allegations raised in this regard that this Court, while disposing of the writ petition, recorded the submission made on behalf of the petitioner with regard to discontinuance of the Chakhna Shop and issued consequential directions.

9. The review petitioner, by way of the present review petition, seeks reconsideration of the aforesaid observation on the ground that he had never operated such a shop. However, the said contention essentially seeks to reopen the factual aspects which were considered by this Court while disposing of the writ petition. No error apparent on the face of the record or any other ground warranting exercise of the review jurisdiction has been made out. It is also pertinent to observe that the

directions issued by this Court were intended to ensure that no encroachment is made and no activity is undertaken which may give rise to any disturbance or breach of peace in the locality. During the course of hearing in this review petition also, when counsel for the review petitioner was queried as to whether he wants to continue running the *Chakhna* shop, the counsel on instructions submits that he will not run the *Chakhna* shop.

10. In view of the aforesaid, this Court finds no sufficient ground to review, recall or modify the order dated 17.08.2026 passed in WPC No.5035 of 2025.

11. Accordingly, the review petition, being devoid of merit, is **dismissed.**

Sd/-
(Amitendra Kishore Prasad)
Judge

Avinash