RUCHI YADAV Digitally signed by RUCHI YADAV

CGHC010391872026 2026:CGHC:42942

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 5088 of 2026

1 - Aakash Shrivastava S/o Shri Pradeep Shrivastava Aged About 28 Years R/o Indravati Nagar, Kohka Bhilai, Tahsil And District Durg (C.G.)

2 - Harsh Shrivastava S/o Shri Pradeep Shrivastava Aged About 25 Years R/o Indravati Nagar, Kohka Bhilai, Tahsil And District Durg (C.G.)

... Petitioner(s)

versus

1 - Municipal Corporation Bhilai Through Its Commissioner, Akash Ganga Supela, G.E. Road, Bhilai, District Durg (C.G.)

2- Collector Durg, District Durg (C.G.)

3 - Executive Engineer Chhattisgarh State Power Transmission Company Limited, Bhilai, District Durg (C.G.)

4 - Additional Tahsildar Bhilai Nagar, District Durg (C.G.)

... Respondent(s)

(Cause title taken from CIS Periphery)

For Petitioner(s)	:	Mr. Manish Upadhyay, Advocate
For Respondent No.1	:	Mr. Vijay Ojha appears on behalf of Mr. Rakesh Kumar Ojha, Advocate, appears on advance copy
For Respondent/State	:	Mr. Priyank Rathi, Government Advocate, appears on advance copy

SB: Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

05/10/2026

1. By way of this petition, the petitioners have prayed for following reliefs:-

> "10.1) That, the Hon'ble court may kindly be pleased to direct the respondent authorities to call the entire records pertaining to its case.
>
> 10.2) That, the Hon'ble Court may kind enough to issue an appropriate writ by quashing the impugned demolition notice /order dated 25.09.2026 (Annexure P/1) issued by respondent no. 1.
>
> 10.3) That, the Hon'ble Court may kind enough to issue an appropriate writ by quashing the impugned order dated 29.09.2026 (Annexure P/2).
>
> 10.4) Any other relief or relief(s) which this Hon'ble Court may think proper in view of the facts and circumstances of the case may also kindly be granted."

2. Learned counsel for the petitioners submits that a notice dated 25.09.2026 has been issued to the petitioners for removal of the alleged encroachment, against which the present petition has been filed. He further submits that the petitioners have already filed a reply before the authorities concerned in the proceedings initiated under Section 307(3) of the Chhattisgarh Municipal Corporation Act, 1956. He, therefore, prays that the authorities concerned may be directed to consider the reply submitted by the petitioners and pass an appropriate order in accordance with law.

3. Learned counsel appearing for respondent No.1/Municipal Corporation, Bhilai, submits that the petitioners have raised a construction which is not in accordance with law, as the right of way in respect of the high-tension electricity line has been obstructed, which may pose a serious hazard in future. He further submits that the concerned authorities have

issued a communication to the Municipal Corporation, Bhilai and pursuant thereto, the respondent authorities have issued the impugned notice to the petitioners. Since the notice has already been issued and the matter is pending consideration before the Municipal Corporation, Bhilai, under Section 307(3) of the Chhattisgarh Municipal Corporation Act, 1956, the petitioners may avail the remedy available to them in accordance with law. He, therefore, submits that the present petition is not maintainable.

4. Having heard learned counsel for the parties and having perused the records, particularly the impugned notice dated 25.09.2026, this Court is of the considered opinion that the petitioners ought to approach the authorities concerned as serious allegations have been made regarding the construction raised by the petitioners, which is alleged to be hazardous and may pose a danger in future. Accordingly, the authorities concerned are directed to consider the reply submitted by the petitioners and decide the proceedings in accordance with law, after affording due opportunity of hearing to the petitioners.

5. Since the matter is already pending before the Municipal Corporation, Bhilai, under Section 307(3) of the Chhattisgarh Municipal Corporation Act, 1956, the petitioners are relegated to avail the remedy before the authorities concerned in respect of their grievances.

6. With the aforesaid directions and observations, the present petition stands **disposed of.**

Sd/-

(Amitendra Kishore Prasad)
Judge

Ruchi