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AVINASH SHARMA
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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 5127 of 2026

1 - Smt. Kalpana Bapat W/o Late Shri Krishna Vinayak Bapat Aged About 84 Years R/o Flat No. B-202, Geetanjali, Apartment, Kasturba, Nagar, Bilaspur, Distt- Bilaspur (C.G.)

2 - Smt. Aditi Bapat W/o Shri Sanjay Kumar Bapat Aged About 46 Years R/o Flat No. B-202, Geetanjali, Apartment, Kasturba, Nagar, Bilaspur, Distt- Bilaspur (C.G.)

3 - Prafulla Kumar Bapat @ P.K. Bapat S/o Late Shri Krishna Vinayak Bapat Aged About 60 Years R/o Flat No. A-304, A Block Shalom Hightech, Tower, Ameri, Bilaspur, Distt- Bilaspur (C.G.)

... Petitioner(s)

versus

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

2 - Joint Director, Town And Country Planning Bilaspur, Distt- Bilaspur (C.G.)

3 - Collector, Bilaspur, Distt- Bilaspur (C.G.)

4 - Municipal Corporation Bilaspur Through Its Commissioner, Municipal Corporation Bilaspur, Distt- Bilaspur (C.G.)

5 - Zone Commissioner Zone No. 4, Municipal Corporation Bilaspur, Distt- Bilaspur (C.G.)

6 - Building Officer, Municipal Corporation Bilaspur, Distt- Bilaspur (C.G.)

7 - Shrinath Sharma R/o Flat No. 204, Om Heights President Of Om Heights Welfare Society Near Ananda Imperial Hotel Vyapar Vihar Bilaspur Distt- Bilaspur (C.G.)

8 - Sunil Singh R/o Flat No. 101, Om Heights Secretary Of Om Heights Welfare Society Near Ananda Imperial Hotel Vyapar Vihar Bilaspur Distt- Bilaspur (C.G.)

9 - Om Heights Welfare Society Through Its President / Secretary Om Heights Near

Ananda Imperial Hotel Vyapar Vihar Bilaspur Distt- Bilaspur (C.G.)

10 - Nidhi Grover D/o Shri Jagdish Grover W/o Shri Varun Makkad Occupation Doctor R/o C/102, G.F. Kalkaji, South Delhi Local Address K/30 Kranti Nagar, Bilaspur Tehsil And Distt- Bilaspur (C.G.)

... Respondent(s)

For Petitioner(s)	:	Shri Aman Tamboli, Advocate.
For State	:	Shri Priyank Rathi, GA.
For Respondent-Municipal Corporation Bilaspur	:	Shri Pranjal Shukla, Advocate.

SB: Hon'ble Mr. Justice Amitendra Kishore Prasad
Order on Board

06/10/2026

1. This Writ Petition has been filed against the impugned notice dated 30.09.2026 issued by Respondent No.6, the Building Officer of Municipal Corporation Bilaspur, under Section 307 (2) of Municipal Corporation Act, 1956 whereby, the petitioner has been directed to remove his illegal encroachment from the parking area of Om Heights within 3 days.
2. Learned counsel for the petitioner submits that petitioner no.1 runs a café in the name and style of "SHRI GURU KRIPA CHAI NASTA EVAM CAFÉ". Petitioners have started the aforesaid café only after obtaining the requisite license and registration. Petitioners are also paying requisite taxes to the Municipal Corporation Bilaspur. With the permission of the owner of the property i.e:, respondent no.10 the petitioners have constructed a washroom in the area adjacent to their shop which is within the premises of Om Heights building and that area is different from the parking space as per the approved map.
3. Learned counsel for the petitioners submits that petitioners have never encroached the subject land and the complaint against them is false and

fabricated.

4. Learned counsel for Municipal Corporation submits that since the petitioners have filed their reply to the impugned notice, they will consider the same and will decide the same in accordance with law, within a stipulated period.

5. Learned counsel for the State submits that petitoner has been issued notice under Section 307 (2) of the Municipal Corporation Act, 1956.

6. Having heard counsel for the parties and submission of counsel for the petitioner that they have already filed their reply to the impugned notice and the respondent Municipal Corporation are willing to consider that, this Writ Petition is **disposed of** with a direction to the authority of respondents to consider the reply filed by the petitioners and decide the same in accordance with law, after giving due opportunity of hearing to the petitioners.

7. The petitioners are also directed to file relevant documents before the authorities demonstrating that they have not encroached upon the subject land within a week and in turn, the authority of Municipal Corporation is directed to consider the same and decide the matter **within 30 days from today.**

8. Till 30 days, respondent authorities are directed not to take any coercive steps against the petitioners.

Sd/-
(**Amitendra Kishore Prasad**)
Judge

Avinash