CGHC010432912026 2026:CGHC:46902

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 5576 of 2026

Pooja Jhamnani W/o Vikas Jhamnani Aged About 44 Years R/o H-2 Vishal Nagar Behind Chhattisgarh Hotel Purena Telibandha Raipur (C.G.)

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through The Secretory, Department Of Urban Administration And Development, Mantralaya, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, District-Raipur (C.G.)

2 - Commissioner Raipur Municipal Corporation, Raipur, District-Raipur (C.G.)

3 - Zone Commissioner Zone No. 10, Raipur Municipal Corporation, Raipur, District-Raipur (C.G.)

.. Respondent(s)

For Petitioner	**:**	Mr. Aniruddha Shrivastava, Advocate
For Respective Respondents	**:**	Mr. Anil Pandey, GA and Mr. Pankaj Agrawal, Advocate

Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

05.11.2026

1. Learned counsel appearing on behalf of the petitioner submits that the petitioner is challenging the notices dated 05.10.2026 and

08.09.2026 issued by the Zone Commissioner, Zone No. 10, as well as the consequential action of the Municipal Corporation, whereby the petitioner is being threatened with demolition of his structure/café within a period of seven days, without first considering and deciding the petitioner's pending application for compounding/regularisation of the said structure. It is further contended that the proposed demolition action, without adjudication of the pending application for compounding /regularisation, is arbitrary and unjustified. Hence, the petitioner has filed the present petition seeking the following reliefs:

> *“ 10.1 That, sue an appropriate writ, order or direction, quashing and/or setting aside the impugned notice dated 05.10.2026 issued under Section 307(2-A) of the applicable municipal law, insofar as the same threatens removal/demolition of the petitioner's existing structure without consideration of her application for compounding/regularisation;*
>
> *10.2 Issue an appropriate writ, order or direction commanding the respondent authorities, more particularly the Municipal Corporation, Raipur, to consider and decide the petitioner's seeking compounding/regularisation Shaman/Razinama) of the existing structure, strictly in accordance with the applicable*

statutory provisions, rules and regulations, within a time-bound period as may be fixed by this Hon'ble Court;

10.3 Direct the respondent authorities to grant the petitioner an effective opportunity to furnish the requisite documents, plans, fees and other particulars and to comply with the lawful conditions, if any, prescribed for consideration of her application for compounding/ regularisation;

10.4 Pending consideration and final disposal of the petitioner's application dated regularization/razinama, 09.10.2026 /claim of restrain the respondent authorities from taking any coercive action, including demolition, removal, sealing or dispossession in respect of the exisiting structure situated over Khasra Nos. 242/1 and 242/3, P.H.N. No. 115/52, Village Dumertarai, District Raipur (C.G.), except strictly in accordance with law and after following the procedure prescribed by law;

10.5 Any other relief, which this Hon'ble Court may deem fit and proper, may also be passed in favour of the petitioner.

2. Learned counsel appearing on behalf of the Municipal Corporation, Raipur, submits that the petitioner has not submitted a proper application for regularisation along with the requisite building plan and other relevant documents. It is further submitted that the petitioner's application for regularisation can be considered and decided by the Municipal Corporation only upon submission of a duly prescribed application in the requisite proforma, accompanied by all necessary documents and relevant particulars required for its proper consideration.

3. Considering the aforesaid facts and circumstances of the case, the petitioner is directed to submit an appropriate application for regularisation in the prescribed proforma, along with all requisite documents, before the respondent authorities within a period of 10 working days from today. Upon receipt of such application, the respondent authorities shall consider and decide the same, in accordance with law, within a period of 60 working days. In the meanwhile, the respondent authorities are directed not to take any coercive steps against the petitioner in respect of the subject structure/cafe until expiry of the aforesaid period.

4. It is made clear that merely raising a construction would not confer any legal right upon the petitioner, as held by the Hon’ble Supreme Court in ***Kaniz Ahmed vs. Sabuddin and Ors***[1]***,*** as well as in ***Rajendra Kumar Barjatya and another vs. U.P. Avas***

1 2025 SCC OnLine SC 995

Evam Vikas Parishand and Ors.[2], the Hon'ble Supreme Court specifically held that a person who has no regards for the law cannot be permitted to pray for regularization after putting up unauthorized construction of two floors. This has something to do with the rule of law. Unauthorized construction has to be demolished.

5. With the aforesaid observations and directions this writ petition stands **disposed of.**

SD/-

(Amitendra Kishore Prasad)

Judge

AMIT PATEL

2 2024 SCC OnLine SC 3767