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NAFR

VISHAKHA BEOHAR

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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 5660 of 2026

1 - Jamuna Prasad Gupta S/o Late Suresh Chand Gupta Aged About 55 Years R/o Pandri, Behind Shiv Mandir / Mayur Kwality Bank, Raipur, District Raipur C. G.

2 - Mahboob Solanki S/o Late Lal Mohammad @ Lala Solanki Aged About 48 Years R/o Gandhi Nagar, Pandri, Near Sai Kirana, Raipur, District Raipur C. G.

3 - Guman Singh Rajpurohit S/o Sultan Singh Rajpurohit Aged About 64 Years R/o Mowa, Dubey Colony, Tehsil And District Raipur C. G. Commercial Address Pandri, Opposite Shiv Bagh, Jeevan Bima Marg, Raipur, District Raipur C. G.

... Petitioner(s)

versus

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

2 - Municipal Corporation Raipur Through Its Commissioner, Rajiv Bhawan, White House, Raipur, District Raipur C. G.

3 - Zone Commissioner Zone No. 02, Municipal Corporation Raipur, District Raipur C. G.

4 - Dheeraj Arora S/o Late Shri Shyam Lal Arora And Late Smt. Vimla Arora R/o Pandri Tarai, Shahid Hemu Kalani Ward No. 28, Raipur, District Raipur C. G. (Son And Legal Heir/successor Of Late Smt. Vimla Arora)

... Respondents

(Cause-title taken from the Case Information System)

For Petitioner :- Mr. Anukul Biswas, Advocate

For State :- Mr. Shobhit Mishra, Dy. G.A.

For Respondents No.2&3 :- Mr. Pankaj Agrawal, Advocate

SB- Hon'ble Shri Justice Amitendra Kishore Prasad

Order On Board

05.11.2026

1. By way of the instant writ petition, the petitioners are challenging the legality and validity of Notice No. 93/भ.नि.अ.प्र./न.पा.नि./जोन क्र.02/2026 dated 29.09.2026, served upon them on 23.10.2026, issued by respondent No. 3 under Sections 309 and 310 of the Chhattisgarh Municipal Corporation Act, 1956, whereby they have been directed to immediately remove/demolish the subject shop premises.

2. Following reliefs have been prayed in this petition:-

> *“10.1 That, the Hon'ble Court may kindly be pleased to call for the entire records pertaining to the case of the PETITIONERS*

10.2 That, the Hon'ble Court may kindly be pleased to issue an appropriate Writ, Order, or Direction in the nature of Certiorari quashing the impugned Notice dated 29.09.2026 (Annexure P/1) issued by Respondent No. 3;

10.3 That, the Hon'ble Court may kindly be pleased to issue an appropriate Writ/Direction commanding Respondent Nos. 2 & 3 to conduct a fresh structural audit through an independent expert body (NIT Raipur / Government Engineering College);

10.4 That, the Hon'ble Court may kindly be pleased to restrain the respondents from taking any coercive action or demolishing the shop premises occupied by PETITIONERS during pendency of this petition;

10.5 Any other relief order or direction which may deem fit and just in the facts and circumstances of the case including the cost of the petition."

3. Learned counsel for the petitioners submits that the impugned notice and the consequential action proposed by the respondent authorities are arbitrary, illegal, discriminatory and violative of Articles 14, 19(1)(g) and 21 of the Constitution of India. It is contended that Sections 309 and 310 of the Chhattisgarh Municipal Corporation Act, 1956, cannot be invoked at the instance of private landlords, in collusion with municipal authorities, to forcibly evict statutory tenants without resorting to the remedy available under the Chhattisgarh Rent Control Act, 2011. It is further submitted that no structural audit report or safety assessment conducted by a certified structural engineer was

supplied to the petitioners before issuance of the impugned notice. Learned counsel also submits that the principles of natural justice have been violated, as the objections submitted by the petitioners on 26.10.2026 and their police complaint dated 01.11.2026 have not been considered by the respondent authorities. On these grounds, learned counsel prays for interference by this Court.

4. Learned State counsel submits that the impugned notice has been issued by the competent municipal authority in exercise of the statutory powers conferred under Sections 309 and 310 of the Chhattisgarh Municipal Corporation Act, 1956, and that the action taken by the municipal authorities is in accordance with law.

5. Learned counsel appearing for respondent Nos. 2 and 3 opposes the submissions made on behalf of the petitioners and submits that the impugned notice has been issued in discharge of the statutory duties of the Municipal Corporation. It is contended that the municipal authorities are empowered under the aforesaid provisions to take appropriate action in matters concerning the safety and condition of buildings. Accordingly, the petitioners cannot claim an absolute right to prevent the authorities from exercising their statutory powers. On these grounds, learned counsel prays for dismissal of the writ petition.

6. I have heard learned counsel for the parties and perused the material available on record.

7. Considering the nature of the dispute and the submissions made by learned counsel for the parties, this Court is of the view that the petitioners may approach the competent authority of the Municipal Corporation by way of an appropriate application, raising all their grievances with regard to the impugned notice. Accordingly, the petitioners are granted liberty to file a fresh application, if not already filed, before the competent authority of respondent Municipal Corporation, raising all relevant objections and grounds available to them.

8. In the event such an application is filed, the respondent Municipal Corporation shall consider and decide the same, in accordance with law, by passing a reasoned and speaking order, preferably within a period of 30 days from the date of receipt of such application.

9. Needless to observe that the competent authority shall consider the objections raised by the petitioners independently, without being influenced by any observation made in this order.

10. With the aforesaid directions, the writ petition stands **disposed of.**

sd/-

(Amitendra Kishore Prasad)
Judge

Vishakha