HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (C) No. 1358 of 2016

1. Smt. Ashutosh Thakur W/o Shri S.L.Thakur, Aged about 38 years, R/o Lal Bahadur Ward No. 08, Jagdalpur, Post & Thana, Jagdalpur, District Bastar at Jagdalpur, Chhattisgarh.

2. Smt. Swami Thakur W/o Shri R.L.Thakur, aged bout 56 years, R/o Lal Bahadur Ward No. 08, Jagdalpur, Post and Thana Jagdalpur, District Baster at Jagdalpur, Chhattisgarh.

---- Petitioners

versus

1. State of Chhattisgarh, Through the Secretary, Urban Administration Department, Mahanadi Bhawan, New Raipur, Chhattisgarh.

2. The Collector, Jagdalpur, District Baster at Jagdalpur, Chhattisgarh.

3. Commissioner, Municipal Corporation, Jagdalpur, District Baster at Jagdalpur, Chhattisgarh.

4. Ashok Yadav S/o Shri S.K.Yadav, age 46 years, R/o Lal Bahadur Ward No. 08, Jagdalpur, Post and Thana Jagdalpur, District Baster at Jagdalpur, Chhattisgarh.

---- Respondents

For Petitioners   : Shri Somkant Verma, Advocate
For Respondent/State : Shri B. Gopa Kumar, Deputy Advocate General.

Hon'ble Shri Manindra Mohan Shrivastava, J.

Order on Board

31/05/2016

1. The petitioner is aggrieved by the apprehended action of demolition by the respondent-Corporation.

2. Learned counsel for the petitioner submits that now a notice has been issued on 23.05.2016 by the respondent-Corporation during pendency of this case.

3. It appears that the dispute is with regard to an encroachment which is an issue of fact. This factual dispute cannot be decided in a writ

proceedings and what can be done at this stage is to direct the respondent authorities to carry out demarcation before carrying out any demolition proceedings. In case grievance of the petitioner is not redressed, his remedy lies by filing a civil suit and praying for an order of injunction before the competent jurisdictional civil court.

4.   With the aforesaid observation, this petition stands disposed of.

Sd/-
(Manindra Mohan Shrivastava)
Vacation Judge

Amit