

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 1378 of 2016**

Smt. Pramila Dey W/o Shri S.C. Dey, Aged About 55 Years R/o Paragaon Road Neel Bhawan Gariyabandh, District Gariyabandh (Chhattisgarh) Civil & Revenue District Gariyabandh (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Ministry Of Urban Administration And Development, Capital Complex, Mahanadi Bhawan, Naya Raipur, District Raipur (Chhattisgarh)
2. The Municipal Council Gariyabandh, Through Its Chief Municipal Officer, Municipal Council Gariyabandh, District Gariyabandh (Chhattisgarh)

---- Respondents

For Petitioner:	Mr. Sameer Oraon, Advocate
For State:	Mr. B. Gopa Kumar, Deputy Advocate General on advance copy.

Hon'ble Shri Manindra Mohan Shrivastava**Order on Board****31.05.2016**

Heard on prayer of interim relief.

2. The Petitioner has filed this Petition aggrieved by the notice issued by Respondent No.2 directing him to remove the encroachment. According to the Petitioner he has not encroached upon any public road.
3. Whether or not the Petitioner is an encroacher is an issue which requires evidence.
4. This matter can not be decided in Writ proceedings. The Petitioner, may if so advised, take recourse to civil remedy for

injunction.

5. However, considering that there is a notice for demolition, all that can be done is to direct Respondent Municipality to carry out demarcation at the spot, before carrying on any demolition.

6. If the Respondent proceed to take any action, the Petitioner may take recourse to Civil Remedy.

7. With the aforesaid observation the instant Petition is disposed off.

Sd/-
(Manindra Mohan Shrivatava)
VACATION JUDGE