

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPC No. 1869 of 2024**

Harish Rathore S/o Shri Maliram Rathore Aged About 65 Years  
R/o Jabdapara, Sarkanda, P.S. Sarkanda, District Bilaspur (C.G.). ---- **Petitioner**

**Versus**

1. State of Chhattisgarh, Through The Secretary, Urban Administration and Development, Mahanadi Bhawan, Mantralaya, Nawa Raipur, Atal Nagar, District Raipur (C.G.).
2. The Commissioner, Municipal Corporation, Bilaspur, District Bilaspur (C.G.) .
3. The Zone Commissioner, Zone No. 7, Municipal, Corporation, Bilaspur, District Bilaspur (C.G.)
4. The Building Officer, Municipal Corporation, Vikas Bhawan Nehru Chowk, Bilaspur, District Bilaspur (C.G.)
5. The Collector, Bilaspur, District Bilaspur (C.G.)
6. The Director, Town and Country Planning, Bilaspur, District Bilaspur (C.G.).

---- **Respondents**

*(Cause Title is taken from Case Information System)*

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For Petitioner : Mr. Goutam Khetrapal, Advocate

For State/Respondents No.1,5 & 6 : Mr. Akhilesh Kumar, Government Advocate

For Respondents No.2 to 4 : Mr. Ashutosh Trivedi, Advocate

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**Hon'ble Shri Justice Rakesh Mohan Pandey**

**Order on Board**

**30.03.2024**

1) By way of this petition, the petitioner has sought following relief(s):-

10.1. That, this Hon'ble Court may kindly be pleased to call the entire records pertaining to case of the petitioner.

10.2 That, this Hon'ble Court may kindly be pleased to issue an appropriate writ, thereby setting-aside the impugned notice dated 28.03.2024 (Annexure P/1) and further be pleased to direct the respondent authorities not to take any coercive step against the petitioner pursuant to the impugned notice.

10.3 That, any other relief/order which may deem fit and just in the facts and circumstances of the case including award of the costs of the petition may be given."

- 2) The petitioner has filed this petition against the notice dated 28.03.2024 issued under Section 307 (3) of the Chhattisgarh Municipal Corporation Act, 1956 (for short, the Act, 1956) by the Building Officer, Municipal Corporation Bilaspur, whereby the petitioner has been granted 24 Hrs time to remove the illegal construction which was raised contrary to the sanctioned map by him.
- 3) At the very outset, learned counsel for the petitioner would admit this fact that parking space was not left according to the sanctioned map and the petitioner is ready to modify the construction raised by him within a period of 3 weeks strictly in accordance with the map sanctioned by the Municipal Corporation, Bilaspur.
- 4) On the other hand, learned counsel appearing for the respondents would oppose the submission made by the learned counsel for the petitioner. They would submit that the petitioner should not be granted more than 1 week time to remove the illegal construction.
- 5) I have heard learned counsel for the parties and perused the documents.
- 6) From a perusal of the documents, it appears that the lease was granted pertaining to the survey No. 1081/7, admeasuring 2377 sq ft. vide order dated 20.01.2023 and it got registered on 18.01.2023 and the map was sanctioned on 24.02.2023 and according to the map, the petitioner should have left 123 sq mtr. parking space, but the petitioner in contravention to

the sanctioned map, raised construction at the given parking place. Notice was issued on 15.04.2024, in turn, the petitioner made a representation for regularization of illegal construction, which has been rejected by the Municipal authorities vide order dated 28.03.2024 and 24 hrs time was granted to remove such illegal construction.

- 7) Taking into consideration the submission made by the learned counsel for the petitioner as the petitioner is ready to remove/alter the illegal construction within a period of 3 weeks, the petition at this juncture is hereby disposed of and the petitioner is granted 3 weeks' time to remove/alter the illegal construction strictly in accordance with the sanctioned map.
- 8) For a period of 3 weeks, no coercive action shall be taken against the petitioner or building, pursuant to the notice dated 28.03.2024.
- 9) With the aforesaid observation(s) and direction(s), the instant petition is hereby disposed of. No cost(s).
- 10) Mr. Ashutosh Trivedi, learned counsel appearing for the Municipal Corporation, Bilaspur is directed to immediately communicate this order to the concerned authorities.

Sd/-  
**(Rakesh Mohan Pandey)**  
**Judge**