



2024:CGHC:39013

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**WPC No. 3574 of 2024**

**1** - Ashish Gupta S/o Late R.C. Gupta Aged About 49 Years Administrtor Of Dainik Chintak, Chintak Bhavan, Station Road, Durg District Durg C.G.

**... Petitioner**

**versus**

- 1** - State Of Chhattisgarh Through Secretary, Public Works Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nava Raipur District Raipur C.G.
- 2** - Executive Engineer Public Works Department, Durg Zone, Durg C.G.
- 3** - Assistant Engineer Public Works Department, Durg Zone, Durg C.G.
- 4** - Sarpanch Gram Panchayt Anora, (Kh) District Durg C.G.
- 5** - Secretary Gram Panchayat (Kh), District Durg C.G.
- 6** - Sarpnach Gram Panchayat Mahamara District Durg C.G.
- 7** - Secretary Gram Panchayat Mahamara District Durg C.G.
- 8** - Sarpanch Gram Panchayat Anjora Janpat Panchayat Rajnandgaon C.G.
- 9** - Secretary Gram Panchayat Anjora Janpat Panchayat Rajnandgaon C.G.

**... Respondents**

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For Petitioner	:	Mr. Rajendra Kumar Patel, Advocate
For Respondent/ State	:	Mr. Soumitra Kesharwani, P. L.

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**({Hon'ble Shri Justice Sachin Singh Rajput})**

**Order on Board**

**30/09/2024**

1. The present petition has been filed seeking following relief:-

10.1 This Hon'ble Court may kindly be pleased to call for the entire records pertaining to the case of the petitioner from the possession of the respondents for its kind perusal.

10.2 That, the Hon'ble court may kindly be pleased to allow this petition and quash the order dated 08.04.2024 passed by the respondents No.2 & 3.

10.3 Any other relief or relief(s) which this Hon'ble Court may think proper in view of the facts and circumstances of the case may also kindly be granted.

2. Learned counsel for the petitioner submits that vide an order dated 04.09.2023 Annexure P-7, the petitioner was permitted to install the hording at village Panchayat Mahmara Anjora (k) and Anjora (kha) details of which is mentioned hereinbelow:-

- 1.ग्राम पंचायत महमरा : पृथ्वी पैलेस महमरा के सामने से अंजोरा (क) तक जी रोड़ विद्युत पोल पर 60x30 का साइज 28 नग एवं डिवाइडर पर यूनिपोल 20x20 का साइज 05 नग लगाई जावेगी।

2. ग्राम पंचायत अंजोरा (क) से ग्राम पंचायत अंजोरा (ख) तक यूनिपोल / होर्डिंग 20x20 का साई नग डिवाइडर से लगाई जावेगी।

3. ग्राम पंचायत अंजोरा (ख): राजेन्द्र सेन के व्यवसायिक परिसर के सामने से बायपास चौराहा तक जी. रोड़ डिवाइडर पर होर्डिंग 06X03 का साईज संख्या 30 नग विद्युत पोल में 20x20 का साईज 05 नग डिवाइडर से लगाई जावेगी।

4. ग्राम पंचायत अंजोरा (ख) बाईपास चौराहा बांधा चौराहा बांधा जलाशय के पास के नीचे यूनिपोल 40x40 साईज का 02 नग लगाई जावेगी।

3. Learned counsel for the petitioner further submits that thereafter an agreement was also executed between the petitioner and the concerned Gram Panchayat Anjora. He submits that suddenly the impugned order dated 08.04.2024 Annexure P-11 was passed in which it has been stated that the earlier permission dated 04.09.2023 is canceled because of some unavoidable reasons and directed that the hoardings may be removed within a period of 3 working days. He submits that before passing the impugned order Annexure P-11, no notice or opportunity of hearing was granted and no reason has been assigned as to why the earlier order dated 04.09.2023 Annexure P-7 was canceled. Therefore, he submits that the relief as claimed by the petitioner may be granted.

4. Opposing the submissions, Mr. Kesharwani submits that one of the hoardings which was installed by the petitioner fell down during the wind and therefore, the decision was taken to cancel the permission.

5. Replying to this, learned counsel for the petitioner submits that the impugned order was 08.04.2024 and the allegations with regard to falling of hoarding is of June, 2024, therefore, they cannot take the reason which has been assigned in the return, apart from this, he submits that hoarding has fallen down on account of some theft of nut bolt and for which he has already made a complaint to the Police and action has been taken, therefore, it cannot be said that hoarding installed by the petitioner is not safe for the public at large, therefore, impugned order may be set aside.
6. Heard learned counsel for the parties and perused the record.
7. Perusal of record indicates that the permission to install the hoarding was granted on 04.09.2023 and some agreement was entered into between the petitioner and the concerned Gram Panchayat. Permission was also granted by the concerned Gram Panchayat for installation of hoarding. From the impugned order, it appears that without assigning any reasons, No Objection Certificate dated 04.09.2023 was canceled and direction was given to remove the hoarding within a period of 3 days. The defence has been taken that one of the hoardings has fallen down because of wind seem to be after the impugned order was passed as the paper cutting which has been filed of 13.06.2024. Therefore, it is well settled that respondent cannot improve their case and they cannot deviate from the reasons assigned in the order impugned. No reasons as such is assigned in the impugned order, therefore, it requires to be set aside, however, the respondent/ State is directed to judge the strength of the hoarding elected by the petitioner and after due satisfaction if it is found that the hoardings are not endanger for public at large, may pass appropriate order. The exercise be done within a period of 60 days from the date of production of copy of this order in presence of the petitioner.
8. With this observation, this writ petition stand disposed of.

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**Sd/-**  
({Sachin Singh Rajput })  
**JUDGE**