
(2019) 11 CHH CK 0005
In the Chhattisgarh High Court
Case No : Writ Petition (c) No. 542 Of 2014

Tek Chand Sahu

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

Date of Decision : 11-11-2019

Acts Referred:

Citation : (2019) 11 CHH CK 0005

Hon'ble Judges : P. Sam Koshy, J

Bench : Single Bench

Advocate : Ashutosh Shukla, Akansha Jain, Anuroop Panda

Final Decision : Disposed Of

Judgement

1. The challenge in the present writ petition is to the order passed by respondent No.2 whereby the permission sought for construction of house in land bearing Khasra No.183/2 measuring 0.004 Decimal has been rejected by the Municipal Corporation vide order Annexure P-1 dated 09.04.2013 and also by Collector vide Annexure P-2 dated 13.05.2013.

2. Brief facts of the case is that petitioner is the owner of land bearing Khasra No. 183/2 measuring 0.04 Decimals. The petitioner complied with the statutory requirements inclusive that of payment of tax for the said land up to date. The petitioner has moved an application for construction of house over the said land and had moved application in this regard before the Municipal Corporation. Along with the application the petitioner had submitted his approved map to the Town and Country Planning Department. According to the petitioner he had obtained No Objection Certificate from the Town and Country Planning Department and had submitted the same before Municipal Corporation Authorities. However, the Municipal Corporation Authorities have rejected the same vide Annexure P-1 & P-2. The writ petition was filed in the year 2014.

3. Today when the matter is taken up, counsel for the petitioner submits that just adjacent land to the petitioner's property belonging to one Naresh Arora and land

situated is also in the same Khasra Number. The said person has now been granted permission to construct house under similar circumstances.

4. Counsel for the petitioner prays that present matter also therefore be remitted back to the Commissioner, Municipal Corporation for reconsidering the application of the petitioner. He further prays matter to be taken up by the Municipal Corporation a fresh keeping in view the subsequent development particularly, the permission which has been now granted to one Naresh Arora who has also a land in the same Khasra Number as adjoining property with the petitioner. The petitioner further submits that Collector, also has passed an order in favour of Naresh Arora and his case be treated on parity while his case is reconsidered by the Collector.

5. This limited grievance of the petitioner is not opposed by the counsel for the respondents.

6. Given the said facts, this Court is of the opinion, let respondent No.2 & 3 reconsider the application of the petitioner so far as construction of house in the land situated at Khasra No. 183/2 measuring 0.04 Decimal a fresh without being influenced in any manner by impugned orders Annexure P-1 dated 09.04.2013 & P-2 dated 13.05.2013 passed by respondent No.3 and respondent No.2 respectively.

7. Let a fresh order be passed keeping in view the subsequent development particularly, the sanction and permission which has been granted to the owner of the property adjoining the petitioner's in the same Khasra Number, namely, Naresh Arora and the other circulars of the Government applicable now.

8. Let a decision be taken at the earliest preferably within a period of 90 days from the date the petitioner approaches respondent No.2 & 3 a fresh along with a copy of this order.

9. With the aforesaid directions, the writ petition stands disposed of.