



CGHC010301172026



2026:CGHC:33723

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 4088 of 2026

Dipesh Kumar Nathwani S/o Mansukh Lal Nathwani, Aged About 54 Years R/o Plot No. 11, Ward -No. 10, Shiv Mandir Colony, Shanti Nagar, Supela, Bhilai, District Durg (C.G.)

... Petitioner(s)

versus

- 1 - State Of Chhattisgarh, Through The Secretary, Government Of Chhattisgarh Urban Administration and Development Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur, Chhattisgarh.
- 2 - Commissioner, Municipal Corporation Bhilai, District Durg, Chhattisgarh
- 3 - Collector, Durg District Durg, Chhattisgarh.
- 4 - Estate Officer, Municipal Corporation Bhilai, District Durg, (C.G.)
- 5 - Senior Superintendent Of Police , Durg District Durg, Chhattisgarh
- 6 - Indrajeet Singh, S/o Late Shri Kartar Sigh, Aged About 61 Years R/o Quarter 1/ A, Street No. 7, Sector 2, Bhilai, District Durg, Chhattisgarh

... Respondent(s)

(Cause Title downloaded from CIS Periphery)

For Petitioner(s)	:	Mr. Chandresh Shrivastava, Advocate
For Respective Respondents	:	Mr. Siddhanth Das, Advocate and Mr. SS Choubey, Government Advocate

SB: Hon'ble Mr. Justice Amitendra Kishore Prasad
Order on Board

04/08/2026

1. By way of this petition, the petitioner seeks the following reliefs :

10.1 That the Hon'ble Court may kindly be pleased to call for the entire records pertaining to the present case.

10.2 That the Hon'ble court may kindly be pleased to quash the impugned letter dated 30.07.2026 [Annexure P-1], 27.07.2026 [Annexure P-2] and Notice dated 07.07.2026 [Annexure P-3] issued to the petitioner in the light of facts and circumstance of the case, in the interest of justice.

10.3 That the Hon'ble Court may kindly be pleased to hold that the construction over the land of petitioner which is now left on spot is legal and cannot be termed as unauthorized construction over government land which has already been removed by the petitioner.

10.4 That the Hon'ble Court may kindly be pleased to issue a writ, order or direction of mandamus directing the respondent authorities not to demolish any remaining construction of petitioner without giving opportunity of hearing to the petitioner in accordance with the law and without identifying any portion to be constructed contrary to law on government land and/or the respondent Municipal Corporation may kindly be restrained to take any coercive action against the petitioner.

10.5 That, this Hon'ble Court may kindly be pleased to grant any other relief(s), which it may deemed fit and proper in the aforesaid facts and circumstances of the case.

10.6 To award full cost of the present petition against the respondent authorities.

2. Learned counsel for the petitioner submits that under the garb of removing encroachment on Government land, the Respondent-Municipal Corporation is carrying out construction on the land of the petitioner. The petitioner has already removed the encroachment made on the Government land, and presently, no encroachment exists on the said land. He submits that whatever construction has been raised by the petitioner is entirely on his own land in his possession. However, the concerned authorities are intent upon removing the said construction without following the due procedure of law.
3. Learned counsel for the Respondent-Municipal Corporation submits that no action will be taken against the petitioner without following the due process of law. He submits that due procedure will be strictly followed, including issuance of notice to the petitioner and affording him a due opportunity of hearing. However, if anything adverse is found upon completion of the procedure, appropriate action shall be taken in accordance with law.
4. Heard learned counsel for the parties and also perused the documents annexed with the petition.

5. Considering the facts and circumstances of the case as also the submissions advanced by learned counsel for the parties, the Municipal Corporation, Bhilai is directed to proceed only after following due process of law and affording due opportunity of hearing to the petitioner. Even if the petitioner has raised construction that is not in accordance with law, statutory procedures must be followed in view of the directives laid down by the Hon'ble Supreme Court in the matter of **Directions in the matter of demolition of structures, in Re** reported in **2024 SCC Online SC 3291**.
6. It is expected that the concerned Municipal Corporation shall act upon the guidelines and directives laid down by the Hon'ble Supreme Court in the aforesaid judgment/order and take appropriate action after following the due process of law.
7. It is directed that no coercive action shall be taken against the petitioner unless the requisite procedures are complied with. It is further made clear that the concerned Municipal Corporation shall comply with this order before taking any action.
8. Learned counsel for the Municipal Corporation is directed to communicate the passing of this order to the Commissioner concerned.
9. With the aforesaid observations/directions, the Petition is finally disposed of.

Sd/-

(Amitendra Kishore Prasad)
Judge

Shyna Ajay