



CGHC010371362026

2026:CGHC:42701

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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 5019 of 2026

1 - Arun Kumar Dwivedi S/o Late Dr. Mithila Sharan Dwivedi Aged About 59 Years R/o Plot No. 62A-1, Nehru Nagar West, Bhilai, Motilal Nehru Nagar, Bhilai, District- Durg (C.G.)

2 - Smt. Sushila Dwivedi W/o Late Dr. Mithila Sharan Dwivedi Aged About 81 Years R/o Plot No. 62A-1, Nehru Nagar West, Bhilai, Motilal Nehru Nagar, Bhilai, District- Durg (C.G.) Through- Their Attorney Holder- Arun Kumar Dwivedi, (Petitioner No. 01), S/o Late Dr. Mithila Sharan Dwivedi, Aged -59 Years, R/o Plot No. 62A-1, Nehru Nagar West, Bhilai, District- Durg (C.G.)

3 - Ashok Kumar Dwivedi S/o Late Dr. Mithila Sharan Dwivedi Aged About 63 Years R/o Plot No. 62A-1, Nehru Nagar West, Bhilai, Motilal Nehru Nagar, Bhilai, District- Durg (C.G.) Through- Their Attorney Holder- Arun Kumar Dwivedi, (Petitioner No. 01), S/o Late Dr. Mithila Sharan Dwivedi, Aged -59 Years, R/o Plot No. 62A-1, Nehru Nagar West, Bhilai, District- Durg (C.G.)

4 - Smt. Archana Trivedi D/o Late Dr. Mithila Sharan Dwivedi Aged About 56 Years R/o Principals Residence, O.P. Jindal School, J.S.P.L, Patrapali, Raigarh, District- Raigarh (C.G.) Through- Their Attorney Holder- Arun Kumar Dwivedi, (Petitioner No. 01), S/o Late Dr. Mithila Sharan Dwivedi, Aged -59 Years, R/o Plot No. 62A-1, Nehru Nagar West, Bhilai, District- Durg (C.G.)

5 - Smt. Aradhna Tiwari D/o Late Dr. Mithila Sharan Dwivedi Aged About 51 Years R/o B-1, Anandpuram, Phase-2, Junwani Road, Kohka, Supela, Bhilai, District- Durg (C.G.) Through- Their Attorney Holder- Arun Kumar Dwivedi, (Petitioner No. 01), S/o Late Dr. Mithila Sharan Dwivedi, Aged -59 Years, R/o Plot No. 62A-1, Nehru Nagar West, Bhilai, District- Durg (C.G.)

... Petitioners

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versus

1 - State Of Chhattisgarh Through Its Secretary, Dept. Of Urban Administration, Mantralaya, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, Raipur Distt.- Raipur (C.G.)

2 - The Collector District- Durg (C.G.)

3 - The Executive Engineer Public Works Department, Durg, District- Durg (C.G.)

4 - The Commissioner Municipal Corporation, Bhilai, Distt.- Durg (C.G.)

5 - The Zone Commissioner Zone No. 03, Municipal Corporation Bhilai, District- Durg (C.G.)

... Respondents

For Petitioners	:	Mr. Rajesh Kumar Kesharwani, Advocate
For Respondents No.4 & 5	:	Mr. Siddhant Kumar Das, Advocate
For State	:	Mr. Vivek Verma, GA

Hon'ble Shri Justice Amitendra Kishore Prasad**Order on Board**

01/10/2026

1. The petitioners, in this Writ Petition, have prayed for the following reliefs:-

“10.1 This Hon'ble Court may kindly be pleased to quash/set-aside the impugned Notice, dt.09.09.2026 [Annexure-P/1] issued by the respondent Corporation.

10.2 This Hon'ble Court may kindly be pleased to, in case of acquisition of the land/entire building, the petitioners may be granted the entire compensation as per the current market value of the said land/building.

10.3 This Hon'ble Court may kindly be pleased to make any other order that may be deemed fit and just in the facts and circumstances.”

2. Facts of the case in brief are that the petitioners have challenged the impugned notice dated 09.09.2026 (Annexure-P/1) issued by the Municipal Corporation, Bhilai, alleging encroachment in connection with the proposed Canal Road. The petitioners contend that the construction was raised pursuant to the sanctioned building permission and completion certificate issued by the respondent Corporation, and their reply to the impugned notice has not been considered. Hence, the present petition.
3. Learned counsel for the petitioners submits that a notice dated 09.09.2026 was issued to the petitioners directing them to file a reply with regard to the alleged encroachment. He submits that it was stated in the said notice that the petitioners may submit a detailed representation along with relevant documents, which would be considered in accordance with law under the Municipal Corporation Act, 1956. He further submits that the petitioners filed a detailed reply before the concerned Zone Commissioner on the very next day, i.e., 10.09.2026, however, the same has not been considered till date and there is a threat of removal of the alleged encroachment. Hence, the petitioners have approached this Court.
4. Learned counsel appearing for respondents No.4 & 5/Municipal Corporation submits that since the reply has already been filed, the same will be considered and, if no encroachment is found on the basis of the documents, the notice will be dropped, otherwise, proceedings will be initiated in accordance with law.

5. Considering the aforesaid facts and circumstances of the case and the submissions advanced by learned counsel for the parties, the petitioners are directed to appear before the competent authority on 14.10.2026 and, in turn, the competent authority is directed to consider the reply submitted by the petitioners and pass an appropriate order in accordance with law on or before 16.10.2026. In the meanwhile, no coercive steps shall be taken against the petitioners.
6. It is made clear that this Court has not expressed any opinion on the merits of the case and the competent authority shall consider the case of the petitioners with regard to the alleged encroachment on the basis of the documents submitted by them and pass an appropriate order in accordance with law.
7. With the aforesaid observations and directions, the present petition stands disposed of.

Sd/-
(Amitendra Kishore Prasad)
Judge