
(2019) 08 CHH CK 0130

Chhattisgarh High Court

Case No: Writ Petition (C) No. 1330 Of 2012

Rajesh Kumar Devnani

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

Date of Decision: Aug. 21, 2019

Acts Referred:

- Chhattisgarh Nagar Tatha Gram Nivesh Adhiniyam, 1973 - Section 24(3), 31, 85
- Chhattisgarh Bhumi Vikas Rules, 1984 - Section 21(3)

Hon'ble Judges: Goutam Bhaduri, J

Bench: Single Bench

Advocate: Raj Kumar Pali, Amit Kumar Sahu, Richa Shukla, Sourabh Sharma

Final Decision: Disposed Of

Judgement

Item No.,Type of construction,Fees Chargeable in rupees

1.,A building intended to be exclusively for residence.,,"Rs.10.00 per Sq. Mtr. Floor area

space.

2.,,"A building intended to be used as shops, store

house, factory or for carrying on trade or business

or any other commercial or industrial purpose",,"Fees as prescribed in Item No.1

with additional charges of 100%

of amount of fees.

3.,,"A building intended to be used as administrative

block in a factory.",,"Fees as prescribed in Item No.1.

4., "A building intended to be used for shop-cum residence purposes.", "Fees Specified in Item No.1 together with additional charges of 50% of such amount of fees.

5., "A building intended to be used for any special, charitable, cultural, educational purposes including hospital, school, club, Dharamshala and similar types of buildings and for any other purpose not specifically provided for.", "50% of fees specified for Item No.1.]

accorded. Therefore, how much fees is to be charged is to be calculated would be matter of evidence which can be arrived at only after the",,

measurement of building is physically made. These facts are disputed question of fact which cannot be decided in this petition. It is also not in dispute,,

that the building is used for carrying on business. Under the circumstances, the respondent is directed to take a measurement of entire building and",,

thereafter shall calculate the leviable development charges and after calculation of the same, if it is found that higher charges are being recovered",,

from the petitioner, then it shall return the same along with interest payable at the Bank rate. The contention of respondent that construction of building",,

is not done according to the sanctioned plan. These issue are not subject of adjudication in this writ petition which is filed by the petitioner. The,,

respondent shall be at liberty to measure the building, whether it has been constructed strictly in accordance with the building plan or not and",,

thereafter the respondents shall also have the liberty to proceed in accordance with law,,

8. With the aforesaid observation, the writ petition stands disposed of.",,