

**(2018) 08 CHH CK 0337**

**Chhattisgarh High Court**

**Case No:** Writ Petition (C) No. 2407 Of 2018

Jitendra Kumar Nirmalkar

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

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**Date of Decision:** Aug. 28, 2018

**Acts Referred:**

- Chhattisgarh Municipalities Act, 1961 - Section 100, 101, 102

**Hon'ble Judges:** Prashant Kumar Mishra, J

**Bench:** Single Bench

**Advocate:** Anup Majumdar, PK Bhaduri

**Final Decision:** Dismissed

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### **Judgement**

Prashant Kumar Mishra, J

1. Heard.

2. The petitioner is Ex-Councillor of Nagar Pallika Parishad. He is aggrieved by construction of Gandhi Bhawan on the Aabadi land, which has not

been formally transferred to the Nagar Panchayat yet the construction is going on despite there being stay order(s) by the Tehsildar and the Collector.

3. If there is a stay order by the Collector, the petitioner should have moved before the Collector rather than approaching this Court by preferring a writ petition.

4. In so far as objection to construction of Gandhi Bhawan in the absence of the land being formally handed over is concerned, the petitioner has no

locus to challenge such construction. If the construction is stayed, it will affect the development work within the Municipal area.

5. Whether or not the land has been properly transferred to the Nagar Panchayat, is to be looked into by the Collector within the parameters of the provisions contained in Section 100 to 102 of the Chhattisgarh Municipalities Act, 1961.
6. It is for the Collector or the State Government to look into matter and not for the Writ Court to stop construction of a public utility building which would benefit the members of public within the Municipal area.
7. The writ petition has no substance, it deserves to be and is hereby dismissed.