

(2018) 05 CHH CK 0207

Chhattisgarh High Court

Case No: Writ Petition (C) No. 1539 Of 2018

Keshar Sahu

APPELLANT

Vs

General Manager (
Administration) Development
Authority And Ors

RESPONDENT

Date of Decision: May 25, 2018

Hon'ble Judges: P. Sam Koshy, J

Bench: Single Bench

Advocate: Badruddin Khan, Arvind Shrivastava

Final Decision: Disposed Of

Judgement

1. Heard.

2. Challenge in the present writ petition is to the notice dated 25.4.2018, whereby, the respondents have issued a notice to the petitioner to explain as to how he has carried out the illegal construction.

3. Learned counsel for the petitioner would submit that the impugned notice has been issued without affording opportunity of hearing to the petitioner.

4. Learned counsel for the respondents would submit that, in fact, the notice itself is an opportunity of hearing. If at all, the petitioner has got some authority of construction and permission in respect of the alleged illegal construction, he could have apprised the authority in the Department in respect of the same and given reply to the show cause notice and consequently, the respondents could not have taken further steps.

5. Taking into account the entire facts and circumstances of the case as also taking into consideration the fact that till date, no demolition proceedings

have been initiated by the respondents, the petitioner is directed to approach the respondents within a period of 7 days from today by filing an objection

and also bringing to the notice of the authorities all relevant documents, permissions and approvals of any of the authorities in the Department in respect of the alleged illegal construction.

6. On such objection being filed within a period of 7 days from today, the authorities concerned shall take a decision on the said objection within a further period of 15 days.

7. Till the decision is made, subject to the petitioner's filing the objection within 7 days, no coercive steps shall be taken by the respondents for demolition of the disputed property.

8. The writ petition is accordingly disposed of.