



2026:CGHC:2971-DB

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WA No. 51 of 2026**

1 - Sapna Phillip W/o Phillip Abraham Aged About 49 Years 504, Mantri Tranquil Apartment, Subramanyapura, Off Kanakapura Road, Gubbalala, District- Bengaluru, Karnataka.

... Appellant (s)**versus**

1 - Zone Commissioner Zone No. 08, Municipal Corporation, Raipur, Chhattisgarh. (As Per Honble Court Order Dated 19-01-2026)

2 - Joint Director Town And Country Planning, Raipur, Chhattisgarh.

3 - Superintendent Of Police District- Raipur, Chhattisgarh.

4 - Additional Superintendent Of Police Raipur City, Raipur, Chhattisgarh.

... Respondent(s)

For Appellant (s)	:	Mr. Himanshu Pandey, Advocate
For Respondent No. 1	:	Mr. Pankaj Agrawal, Advocate
For Respondent/ State	:	Mr. Shashank Thakur, Addl. Advocate
		General along with Mr. Soumya Rai, Dy.
		Govt. Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge
Order on Board

Per Ramesh Sinha, Chief Justice

19.01.2026

1. Heard Mr. Himanshu Pandey, learned counsel for the appellant as well as Mr. Pankaj Agrawal, learned counsel for Respondent No. 1 and Mr. Shashank Thakur, learned Addl. Advocate General and Mr. Soumya Rai, learned Dy. Govt. Advocate for the State/ respondent.
2. Present is a writ appeal filed by the appellant against the impugned order dated 16.01.2026, passed by the learned Single Judge in WPC No. 233 of 2026, whereby the application for grant of interim relief (IA. No. 01/2026) has been rejected.
3. Brief facts of the case are that the petitioner is the owner of the land admeasuring 2750.83 sq. mt. situated in Ward No. 1, Veer Sawarnagar Raipur, Jarway allas Heerapur, Raipur. He get his land diverted for non agricultural purpose on 27.02.2025 from the competent authority and constructed a temporary structure with tin-sheet roofing. He made an application under Section 37 of the Chhattisgarh Nagar Tatha Gram Nivesh Adhiniyam, 1973 and is willing to pay all the requisite fee and penalties for regularisation/compounding the irregularities in construction, if any. On 31.01.2026 a letter was issued to the police authorities by the Respondent No. 1, with respect to scheduled demolition of the

structure of the petitioner on 16.01.2026 at 12:00 in the noon. Considering the situation of demolition, the petitioner filed the writ petition claiming the relief of quashing the proposed demolition action scheduled for 16.01.2026, letter dated 13.01.2026 issued by the Respondent No.1 and directing the respondent authorities to comply with the guidelines laid down by the Hon'ble Supreme Court in WPC No. 295/2022 in letter and spirit.

4. Along with the writ petition, the petitioner has also filed an application for the grant of interim relief for staying the demolition proceeding scheduled for 16.01.2026. on 16.01.2026 the said writ petition came up for hearing before the learned Single Judge, and after hearing the parties, the learned Singel judge dismissed the application for grant of interim relief (I.A.No. 01/2026), which is under challenge in the present writ appeal.
5. Learned counsel appearing for the writ appellant would submit that the writ appellant has already moved her application on 12.01.2026 for compounding/regularization of the construction of the writ appellant before the Joint Director, Gram thatha Nagar Nivesh Raipur. He would also submit that the writ appellant has also made her application for compounding and regularization of the construction but the same has been illegally rejected on 24.12.2025 by saying that a construction was already made on the subject land. The writ appellant is ready to pay the penalty as per the law for regularization of the construction yet the authorities

concerned are determined to demolish the construction raised by the writ appellant. The matter involved serious dispute with respect to the applicability of the provisions of the Municipal Corporation Act, and the entitlement of regularization of the construction and if the interim relief is not granted to the petitioner/writ appellant, the writ petition would become infructuous which amounts to miscarriage of justice, therefore, the writ appeal may be allowed and the interim protection may be granted to the writ appellant till the final decision of the writ petition.

6. On the other hand, learned counsel appearing for the Respondent No.1 on advance copy would submit that the writ appellant has made her application for permission to construct boundary wall over the subject land and on physical verification of the spot it was found that a hall was already constructed there and therefore, the permission application of the writ appellant was rejected on 24.12.2025. The said order has not been challenged by the writ appellant. He would also submits that the construction of the hall is also without due permission from the competent authority which is admitted by the writ appellant herself in the application dated 15.09.2025 submitted before the Respondent No.1 which reflected from the document annexed at page No. 77 of the writ appeal. Since the application for permission to construct boundary wall is rejected, the illegal construction of boundary wall of the writ appellant cannot be regularized and the Respondent No. 1

initiated the proceeding for the removal of such illegal construction, for which they issued a letter to the police authorities to provide police force to maintain law and order situation. Granting interim relief to the writ appellant amounts to permitting the writ petitioner to continue with the illegal construction, which cannot be done. The learned Single judge, after considering the entire material produced before it by the parties, dismissed the interim application of the writ appellant. Therefore, there is no merit in the writ appeal and the same is liable to be dismissed.

7. We have heard learned counsel for the parties and perused the material annexed with the writ appeal as well as the writ petition and gone through the pleadings.
8. The undisputed facts are that on 24.12.2025, the application for permission to construct boundary wall over the subject land was rejected by the Respondent No.1. The writ appellant has not challenged the order dated 24.12.2025. In the said order dated 24.12.2025 it is mentioned that on the spot inspection it was found that a hall was already constructed over the subject land therefore, the application for permission to construct boundary wall was rejected. In the application dated 15.09.2025, the writ appellant prayed for compounding/regularization of the construction and said that by mistake, the hall was constructed without permission from the Municipal Corporation. It is not the case here that the construction of the writ appellant is irregular, but her construction is illegal. The irregularities in construction can

be compounded, but the illegalities cannot be. The illegal construction cannot be legalised under the garb of compromise/regularization. If such constructions would be regularized, it would be a situation flooded with illegal construction all around. When a person wants to raise a construction over his/her land, he/she is required to obtain due permission from the competent authorities in accordance with law. But in the present case, it is not there in favour of the writ appellant.

9. The learned Single Judge, after considering that the construction was carried out without permission from the authorities and such construction is void ab initio, the respondent Municipal Corporation has rejected the application for regularization and also that the land used for commercial purpose, which is other than for which it was allotted, in the opinion of this Court, rightly dismissed the application.
10. From the aforesaid consideration, we do not find any reason to interfere with the impugned order passed by the learned Single Judge.
11. Accordingly the writ appeal being devoid of merit and is hereby dismissed

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice