



2026:CGHC:18136

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPC No. 2709 of 2017**

1 - Smriti Grih Nirman Sahakari Sanstha Maryadit Registration No. D R/ D R G/68 Dated 11.11.1980, Smriti Nagar, Village Junwani, Police Station Supela, Tehsil And Civil And Revenue District Durg, Chhattisgarh, Chhattisgarh

... Petitioner**versus**

1 - State Of Chhattisgarh Through Secretary To The Government Of Chhattisgarh, Town And Country Planning Department, Mahanadi Bhavan Naya Raipur, Tehsil And Civil And Revenue District Raipur, Chhattisgarh, Chhattisgarh

2 - Municipal Corporation Bhilai, Through Commissioner, Municipal Corporation, Bhilai, Tehsil And Civil And Revenue District Durg, Chhattisgarh, District : Durg, Chhattisgarh

... Respondent(s)

(Cause title is taken from CIS)

For Petitioner : Mr. Manish Upadhyay, Advocate

For State/Respondent No.1 : Ms. Apoorva Nigam, Panel Lawyer

For Respondent No.2 : Mr. Pankaj Agrawal, Advocate

SB: Hon'ble Shri Parth Prateem Sahu, Judge**Order on Board****21/04/2026**

1. Petitioner has filed this writ petition seeking following reliefs:-

“10. (A). By appropriate Writ or Order direct the Respondent No.1, to acquire 81,700 sq.ft. of land falling under Khasra No.744/1 Area 2.59 Hactare and Khasra No.762/1 Area 1.42 Hactare Village :- Junwani Patwari Circle No.21 Revenue Circle No.1 Durg (C.G.) and pay compensation according to the law.

10. (B). Any other relief as deemed fit and proper by this Hon'ble Court. ”

2. Learned counsel for the petitioner submit that petitioner is the housing society and developed area at Junwani, Bhilai, District Durg. He contended that after the colony is being developed, respondent Corporation has constructed the road over the land of the housing society without initiating procedure for its acquisition and road has been constructed as MR-24 which consists of the Khasra No. 744/1 and 762/1. In the process of construction of road bearing MR-24, the respondent Corporation had occupied 817000 Sq Ft of land falling under aforementioned two Khasra numbers of the petitioner-society, but no compensation has been paid. He contended that petitioner-Society has submitted an application for notice as provided under Section 34 of the Madhya Pradesh Nagar tatha Gram Nivesh Adhiniyam, 1973, however, the State government has not taken any decision or action on the notice submitted by the petitioner. He also contended that in the aforementioned facts of the case, respondent Corporation and State be directed to pay suitable amount of compensation in accordance with law.

3. Counsel for the respondent Corporation would submit that it is not in dispute that Corporation has constructed road, but, the road was constructed on the area left out by the petitioner-housing society as road. The petitioner-housing society has not developed the road shown in the map got sanctioned by it, in accordance with law (not constructed Tar road). He submits that it is not a case of the petitioner that municipal corporation has constructed the road on open land which is other than the land reserved as road by the petitioner-housing society. He contended that the before developing the land at Junwani including the Khasra numbers as mentioned above petitioner-housing society has submitted a plan for developing the land in which the road 100 feet wide has been shown and based on that only the plan was approved by the competent authority. He also contended that after developing the area, petitioner-housing society has also handed over the land bearing khasra No.744/1 and 762/1 to Corporation.
4. Learned State counsel also made submission that the road was constructed on the 100 feet wide road proposed by the petitioner-housing society in their map which was approved by the competent authority for development of that area. She also pointed out that in the master plan of the year 2001 also the road which is subject matter of dispute in the writ petition is also shown to be 100 feet wide road and therefore, the submission of counsel for the petitioner that Corporation has

occupied land by way of construction of road unauthorisedly is not correct. Based on the reply of the counsel for the respective respondents, when question is posed to counsel for the petitioner-housing society, as to whether there is any specific pleading that the municipal Corporation has constructed road on the land more than 100 feet wide as proposed in the map submitted by the petitioner for development of area and approved by the competent authority, he submits that there is no specific pleading in this regard.

5. I have heard learned counsel for the parties.
6. The grievance of the petitioner-housing society from the pleadings and the submissions appears to be that the municipal Corporation has constructed road on the land of the petitioner-housing society. The map of the development area bearing Khasra Nos. 744/1 and 762/1 is submitted by the petitioner-housing society for its approval before the competent authority. The map is placed on record as Annexure P/3. In the map there is marking of the road as MR24 and it is shown to be 100 feet wide road. The submission of the counsel for the municipal Corporation that Corporation has constructed the road on the existing road which otherwise is to be developed and constructed by the housing society, is not disputed. It is not the case of the petitioner that the Corporation has constructed the road on more than 100 feet wide by occupying other open land of the petitioner-housing society.

7. In the facts of the case, I do not find any substance in submission of the counsel for the petitioner that the municipal Corporation has constructed the road on the land of petitioner-housing society, but it appears that the Corporation has developed the existing road within the housing society which is left out by the petitioner-housing society for the purpose of the use of members of the society as road.
8. In view of the above, I find no merit in this petition, which is accordingly dismissed.

Sd/-

(Parth Prateem Sahu)
Judge