



2026:CGHC:12993



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 1228 of 2026

1 - Mukesh Sahu S/o Kashi Sahu Aged About 35 Years R/o Bajrang Chowk, In Front Of Ganesh Temple Road, Ratakhar, Vtc Korba P.O. Korba District Korba, (Cg) 495677

2 - Rakhi Sahu W/o Mukesh Sahu Aged About 32 Years Behind Daliya Godam, Near Tower, Korba Town, korba, Dist. Korba (Cg) 495678

... **Petitioner**

versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Urban Administration And Development Atal Nagar, District Raipur (Cg)

2 - The Commissioner Municipal Corporation, Korba (Cg)

3 - Bhawan Adhikari (Building Officer) Municipal Corporation Korba (C.G.)

4 - The Tahsildar Dist. Korba (Cg)

5 - The Collector Dist. Korba (Cg)

... **Respondents**

(Cause title, as taken from CIS)

For Petitioners	:	Mr. Palash Jha, Advocate.
For Resp. No. 1, 4 & 5	:	Mr. Vinay Pandey, Dy. Advocate General
For Resp. No. 2 & 3	:	Mr. Shashank Thakur, Advocate

{Hon'ble Mr. Justice Naresh Kumar Chandravanshi}

Order on Board

18/03/2026

1. Instant writ petition under Article 226 of the Constitution of India has been preferred by the petitioner seeking following reliefs :-

10.1 Quash the following impugned notices :

1. Notices dated 29.01.2026 by Respondent No. 3/Bhavan Adhikari herewith as **ANNEXURE P/1 (colly)**.

2. Notice dated 29.01.2026 by Respondent No. 4/Tahsildar herewith



as **ANNEXURE P/2**.

3. Notice no. 18402 dated 17.02.2026 by Respondent No. 3/Bhavan Adhikari herewith as **ANNEXURE P/3**.

4. Notice no. 18403 dated 17.02.2026 by Respondent no. 3/Bhavan Adhikari herewith as **ANNEXURE P/4**.

5. Notice No. 19099 dated 26.02.2026 by Respondent no. 3/Bhavan Adhikari herewith as **ANNEXURE P/5**

10.2 Direct the respondents not to proceed further, pursuant to issuance of the impugned notice dated 26.02.2026 to the petitioners (Annexure P/5), an the action to be taken by the respondent.

2. Learned counsel appearing for the petitioner submits that notice (Annexure P-1) has been issued by Building Officer, Municipal Corporation, Korba (respondent No. 3) under Section 293 (1)(2) and Section 302 (1) of the Chhattisgarh Municipal Corporation Act, 1956 (for brevity, "Act, 1956") to the petitioners seeking reply in respect of alleged unauthorized construction. Similar notice dated 29.01.2026 was issued by respondent No. 3 in respect of plot No. 15003/7, area 0.120 hectare situated at Patwari Halka No. 16, R.N.M. Tahsil & Distict Korba (C.G.). It is next submitted that Tahsildar (Nazul), District Korba also issued notice (Annexure P-2) dated 29.01.2026 for removal of illegal encroachment on 0.05 acre of land out of Government nazul land bearing Khsara No. 74/1, area 195.28 acres situated at Korba, Patwari Halka No. 16, Tahsil & District Korba (C.G.). He further submits that after issuance of aforesaid notices, final orders have been passed by respondent No. 3 on 26.02.2026 (Annexure P-5) and 26.02.2026 (Annexure R-2/1). It is next contended that since aforesaid order of removal has been passed finally, therefore, he seeks permission of this Court to withdraw this petition with liberty to file an appeal under Section 403 of the Act, 1956 alongwith application for grant of interim relief before Commissioner, Municipal Corporation, Korba /respondent No. 2. Till then, interim protection may be granted to the petitioner.



3. Counsel for the respondents No. 2 & 3 opposes the prayer made by counsel for the petitioner.
4. I have heard learned counsel for the parties and perused the material available on record.
5. In pursuance of the notices issued against the petitioners, final order has been passed by respondent No. 3, which is challengeable before the Commissioner, Municipal Corporation, Korba under Section 403 of the Act, 1956, which the petitioners also wish to challenge, therefore, without entering into the merits of the case, the petitioners permitted to withdraw this petition. However, they are at liberty to file appeal under the provisions of Act, 1956 alongwith application for grant of interim relief within 15 days from today and they may pray for interim protection from appellate Authority / Commissioner, Municipal Corporation, Korba. In the eventuality of filing such appeal alongwith application for grant of stay /interim relief within 15 days from today, then the same shall be decided by the appellate Authority / Commissioner, Municipal Corporation, Korba within a further period of 15 days. It is directed that no coercive steps shall be taken against the petitioner for a period of 15 days from today.
6. It is made clear that if the appeal is not filed within the stipulated period, then this interim protection granted in favour of the petitioners shall lose its efficacy.
7. It is also observed that after filing appeal, this interim protection will no longer be available to the petitioners, as relief in this regard may be sought for by them from the concerned appellate authority.
8. With aforesaid observations & directions, the writ petition is disposed of.
9. Pending interlocutory application (s), if any, stands disposed of.

Sd/-
(Naresh Kumar Chandravanshi)
Judge



2026:CGHC:12993