



2026:CGHC:13521



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 1275 of 2026

Sunita Sahu W/o Late Shri Vinod Sahu Aged About 56 Years R/o Ward No.11,
Laxan Ban Talab New Colony, Ratakhar Korba District- Korba (C.G.)

... **Petitioner**

versus

1 - State Of Chhattisgarh Through- The Secretary Department Of Urban And Rural
Development Mahanadi Bhawan, Mantralaya Atal Nagar, Raipur Chhattisgarh,

2 - The Korba Municipal Corporation Through- Commissioner Korba Municipal
Corporation Saket Bhawan Iti Chowk Korba District- Korba (C.G.)

3 - The Commissioner Korba Municipal Corporation Saket Bhawan Iti Chowk Korba
District- Korba (C.G.)

4 - The Building Officer Building Administration Branch Korba Municipal Corporation
Saket Bhawan Iti Chowk Korba District- Korba (C.G.)

... **Respondents**

{Cause title, as taken from CIS}

For Petitioner	:	Ms. Madhunisha Singh, Advocate.
For Resp. No. 1	:	Mr. Anand Dadariya, Dy. Advocate General.
For Resp. No. 2 to 4	:	Mr. Shashank Thakur, Advocate.

{Hon'ble Mr. Justice Naresh Kumar Chandravanshi}

Order on Board

20/03/2026

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



"In view of the facts and grounds stated hereinabove, it is most humbly prayed that this Hon'ble Court may kindly be pleased to :

10.1 Quash and set aside the impugned notices dated 29.01.2026 and 17.02.2026 as well as the impugned order dated 26.02.2026 issued by the respondent authorities;

10.2 Declare the action of the respondents in demolishing the petitioner' property on 16.03.2026 as illegal, arbitrary and unconstitutional;

10.3 Direct the respondents to consider the case of the petitioner for compounding / regularization of the alleged construction under Section 308-A and 308-B of the Chhattisgarh Municipal Corporation Act, 1956;

10.4 Direct the respondents to pay adequate compensation to the petitioner for the illegal and arbitrary demolition of her property, including the loss of structure, business, and mental agony suffered by her, as may be determined by this Hon'ble Court;

10.5 Grant any other relief, including costs of the petition, which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

2. Learned counsel appearing for the petitioner submits that late Vinod Sahu (wife of petitioner) & Mukesh Sahu had jointly purchased the land bearing Khasra No. 15003/7, area 0.1210 hectares (for brevity, 'subject land') situated at Mouza Korba, Halka No. 15, Tehsil & District Korba (C.G.). Respondent No. 4 served a notice (Annexure P-1) dated 29.01.2026 on the husband of the petitioner regarding the alleged unauthorised construction, directing him to submit a reply. Again similar notice was served to the petitioner herself on 17.2.2026, which was replied by the petitioner stating therein that her husband has expired on 13.11.2025, hence, she has filed an application for mutation, but without considering reply filed by the



petitioner, impugned order dated 26.02.2026 (Annexure P-2) was passed by respondent No. 4 granting three days' time to the petitioner to remove alleged unauthorized construction. Thereafter, on 16.3.2026, half of the factory of the petitioner was demolished and, thus, the respondents/Municipal Corporation, Korba caused a loss of Rs. 20,00,000 to the petitioner. It is next contended that if there would have any unauthorized construction, then the petitioner may be granted time for compounding alleged unauthorized construction, but without providing such an opportunity structures of premises of petitioner was demolished, hence, learned counsel submits that this petition may be admitted for hearing.

3. In reply, learned counsel for respondents No. 2 to 4 would submit that husband of petitioner namely Vinod Sahu, and one Mukesh Sahu were joint owner of 'subject land' and this Court vide order dated 18.03.2026 passed in WPC No. 1228 of 2026 permitted the petitioners therein namely, Mukesh Sahu & his wife Rakhi Sahu to withdraw the same with liberty to file appeal before Commissioner, Municipal Corporation, Korba, therefore, this petition filed by the petitioner is not maintainable, as the impugned order (Annexure P-2) dated 26.02.2026 is appealable under Section 403 of the Municipal Corporation Act, 1956. He further submits that structure, which has been demolished was 'boundary wall' and 'tin shed' was very low worth. He further submits that if petitioner wants compensation in lieu of aforesaid demolition, then she may file civil suit, as determination of amount of compensation is pure question of fact, which can be decided after recording evidence. Hence, on this count also, this petition is not maintainable.

4. I have heard learned counsel for the parties and perused the material available on record.

5. As per pleading made in the petition and documents annexed with the writ petition, late Vinod Sahu (husband of petitioner) and Mukesh Sahu are joint owner of subject land bearing Khasra No. 15003/7, area 0.1210 hectares. Mukesh Sahu & his wife – Rakhi Sahu had filed petition bearing WPC No. 1228 of 2026, which was



permitted to withdraw by them by this Court vide order dated 18.03.2026, as they wanted to file appeal challenging the impugned order dated 26.02.2026 (Annexure P-2) passed by Building Officer, Municipal Corporation, Korba before Commissioner, Municipal Corporation, Korba under Section 403 of the Act, 1956 .

6. In this view of the matter, this Court is not inclined to entertain instant petition, as there is alternative efficacious remedy is available to her to challenge the impugned order dated 26.02.2026 (Annexure P-2) by filing appeal under Section 403 of the Act, 1956 before the Commissioner, Municipal Corporation, Korba. Further, determination of amount of compensation is completely question of fact, which can be decided after recording evidence and it is settled law that Writ Court ought not have interfered with regard to disputed question of fact, such issue can be decided by competent civil Court, therefore, if petitioner wants compensation, then she may file civil suit against respondents authorities.

7. In view of overall discussion, this Court is not inclined to entertain instant petition invoking extraordinary jurisdiction of this Court, hence, this petition stands disposed of granting liberty to the petitioner to avail appropriate efficacious remedy under the law.

8. In the meantime, it is directed that no coercive steps shall be taken against the petitioner for a period of 30 days from today. In between, the petitioner may avail appropriate remedy under the law.

Sd/-

(Naresh Kumar Chandravanshi)

Judge