



2026:CGHC:21731

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 1728 of 2022

1 - Shree Swastik Rice Mills (A Partnership Firm Registered Under The Relative Provisions Of Law) Through Its One Of The Partner Shri Pradeep Kumar Bothra, Aged Abot 63 Years, S/o Late Ranulal Bothra, Having Address At Ganj Road, Nawapara Rajim, Tehsil Abhanpur And District Raipur Chhattisgarh.

2 - Sanjay Bothra, S/o Late Gulbchand Bothra, Aged About 63 Years R/o Chandi Chowk, Sadar Road, Nawapara Rajim, Tehsil Abhanpur And District Raipur Chhattisgarh.

3 - Shrenik Bothra, S/o Sanjay Bothra Aged About 29 Years R/o Chandi Chowk, Sadar Road, Nawapara Rajim, Tehsil Abhanpur And District Raipur Chhattisgarh.

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through Secretary, Urban Administration And Development Department, Mantralaya, Mahanadi Bhawan, Capital Comlex, Nawa Raipur (Atal Nagar), District Raipur Chhattisgarh.

2 - Municipal Council, Through Its Chairperson, Gobra Nawapara, District Raipur, Chhattisgarh, (Ammendment Done As Per Honble Court Order Dated 13.06.2025)

3 - Chief Municipal Officer, Municipal Council. Gobra Nawapara, District Raipur Chhattisgarh.

... Respondent(s)

For Petitioner : Mr. Ankur Agrawal, Advocate

For State : Ms. Anusha Naik, Dy. Govt. Advocate

For Resp. No. 3 : Mr. A. N. Bhakta, Advocate

(Hon'ble Shri Amitendra Kishore Prasad, Judge)

Order on Board

08/05/2026

1. Learned State counsel as also learned counsel for the respondent No. 3 jointly submits that the present writ petition has lost its cause of action and has virtually become infructuous in view of the subsequent order dated 01.05.2026 passed by this Court in W.P. (C) No. 2734 of 2022. It is contended that the controversy raised in the present petition pertains to the very same subject matter, namely, the notice/memo dated 06.04.2022 issued by the Municipal Council, Gobra Nawapara alleging unauthorized occupation over land situated in Khasra Nos. 857/4 and 857/5. Learned counsel for the respondents further submits that once the earlier writ petition concerning the same notice and cause of action has already been adjudicated and appropriate directions have been issued by this Court, nothing survives for consideration in the present petition. It is also argued that continuation of the present petition would amount to parallel adjudication of the same dispute, which is impermissible in law. Learned counsel thus prays that the present writ petition be disposed of as having become infructuous in light of the order passed in W.P.(C) No. 2734 of 2022.
2. Heard learned counsel for the respondent and perused the

documents available on record.

3. From perusal of the record, it transpires that the controversy involved in the present writ petition pertains to the notice/memo dated 06.04.2022 issued by the Municipal Council, Gobra Nawapara concerning alleged unauthorized occupation over certain land situated in Khasra Nos. 857/4 and 857/5. It further appears that the very same notice and consequential proceedings were subject matter of consideration before this Court in W.P.(C) No. 2734 of 2022, which came to be disposed of vide order dated 01.05.2026.
4. This Court, while disposing of the said writ petition, directed the Municipal Council, Gobra Nawapara to issue a fresh notice disclosing all relevant particulars regarding the alleged encroachment and further directed the petitioner to appear before the concerned authority with title documents in support of their claim. This Court had also directed that no coercive steps shall be taken against the petitioner until a decision regarding the extent of occupation is arrived at by the competent authority.
5. In view of the aforesaid subsequent development, this Court is of the considered opinion that the grievance raised in the present petition already stands substantially addressed by virtue of the directions issued in W.P.(C) No. 2734 of 2022. Since the competent authority has already been directed to proceed afresh in accordance with law after granting due opportunity to the petitioner, no further adjudication survives in the present petition.

6. Accordingly, the present writ petition is rendered infructuous in light of the order dated 01.05.2026 passed in W.P.(C) No. 2734 of 2022 and is disposed of as such.

No order as to costs.

Sd/-

(Amitendra Kishore Prasad)

JUDGE

Shayna