

**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPC No. 1915 of 2025****NAV-DURGA CONTRUCTION *versus* STATE OF CHHATTISGARH****Order Sheet**

11/04/2025	Mr. Jameel Akhtar Lohani, learned counsel for the petitioner. Mr. Satish Gupta, learned GA for the State/respondents No.1, 2 and 4. Mr. Saurabh Shukla, Advocate appears on behalf of Mr. A.S. Kachhawaha, learned counsel for the respondent No.3. All the respondents are directed to file return on or before 16.04.2025. Learned counsel for the petitioner has mentioned this matter in the morning. In the afternoon, learned counsel for the petitioner

prays that the respondent No.3 is raising construction work of wall by digging front side falling to Nazul-Land bearing its Sheet No.24, Plot No.05/24 in an area 5343 Sq.ft/496, 561 Sq.ft. belonging to ownership of the petitioner's firm which is a commercial plot while obstructing the easementary right of the petitioner.

The petitioner has filed this petition challenging the illegal construction being raised by the Municipal Corporation, Bilaspur which is being raised in front of the commercial land of the petitioner i.e. Nazul-Land bearing its Sheet No.24, Plot No.05/24 in an area 5343 Sq.ft/496, 561 Sq.ft. which belongs to the petitioner facing Implipara Road at Bilaspur. The petitioner has purchased the said land vide Sale Deed dated 17.06.2022. By doing this the easementary right of the petitioner is being affected. According to the petitioner, the Municipal Corporation is proposing to construct wall/shops which is exactly in front of commercial plot belonging to the petitioner and the same will affect his easementary right and the prospect of the commercial plot of the petitioner. The

respondent is raising construction over the same, as such, the petition has been filed for restraining the Municipal Corporation to raise construction over the same. It has been submitted that some interim protection is required to be given to the petitioner otherwise, respondent-Municipal Corporation will raise construction even during the pendency of this petition and it will cause irreparable loss to the petitioner.

On the other hand learned counsel for the respondent-Municipal Corporation submits that the respondent Corporation is raising construction on their own land and the petitioner is having no right to challenge the construction being raised by the Municipal Corporation, Bilaspur, however, he submits that since the petition has been filed today itself, as such, he will seek instruction in this matter and file appropriate return

I have considered I.A. No.1 application for grant of interim relief.

I have also considered the photographs which have been filed along with the petition.

Ravi Mandavi	Considering the facts and circumstances of this case and also considering the nature of the dispute, purely as an interim measure, the parties are directed to maintain status quo while not raising construction alleged to be carried out in front of the plot of the petitioner till next date of hearing. The matter is directed to be listed on 17.04.2025 for further hearing. Sd/- (Amitendra Kishore Prasad) Judge
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