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HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 1709 of 2026**

1 - Avenue Supermarts Limited Through- Its Authorized Representative Mr. Himanshu Verma Aged 34 About Son Of Shri Suryakant Verma Add- Khasra No 639 (P) Contractor Colony Supela Bhilai Tehsil And District- Durg (C.G.) -490023

... Petitioner(s)**versus**

1 - State Of Chhattisgarh Urban Administration And Development Department Through Its Principal Secretary Indrawati Bhawan Block- D 4th Floor, Nava Raipur, Atal Nagar, Chhattisgarh – 492002

2 - Bhilai Municipal Corporation Through Its Commissioner Office Of Bhilai Municipal Corporation Akash Ganga Supela G.E. Road Bhilai District- Durg Chhattisgarh - 490023

3 - Bhilai Municipal Corporation Through Its Building Officer Office Of Bhilai Municipal Corporation Akash Ganga Supela G.E. Road Bhilai District- Durg Chhattisgarh- 490023

4 - Collector District Durg Collector Office Patel Chowk Kachahari Road Maharir Nagar, Durg Chhattisgarh, 491001

5 - Khemamal Madhyani Contractor Colony Ward No. 17 Supela Bhilai District- Durg Chhattisgarh - 490023

... Respondent(s)

For Petitioner(s)	:	Shri Abhinav P. Dhanodkar, Shri Arpit Agrawal and Shri Manoj Dangi, Advocates.
For State/Res(s)	:	Shri Abhishek Gupta, PL.
For Respondent- Municipal Corporation Bhilai	:	Shri Amrito Das, Advocate.

Hon'ble Mr. Justice Amitendra Kishore Prasad**Order on Board****01/05/2026**

1. This Writ Petition has been filed against the impugned order dated 02.12.2025 passed by the Commissioner, Municipal Corporation Bhilai by which building permission of the petitioner situated at Khasra No.639 (P) contractor colony



Supela Bhilai Tehsil and District Durg C.G. has been suspended.

2. By way of this Writ Petition, the petitioner has prayed for the following reliefs:-

I. That, the Hon'ble court may kindly be pleased to issue an appropriate writ to set-aside the impugned order dated 02.12.2025 and Notice dated 08.12.2025.

II. That Hon'ble court may kindly be pleased to direct the respondent nos. 2 & 3 to permit the petitioner to continue with the construction on the property in question in accordance with the sanctioned building permission,

III. That, Any other relief, this Hon'ble Court may think fit in the facts and circumstances of the present case be also granted to the Petitioner.

3. Necessary facts of the case are that the petitioner is a company duly registered under the relevant provisions of the Companies Act and is in the business of operating the super market chain under the name and style of "DMart". The registered office of the petitioner company is situated at Plot No. B-72 & B-72A, Wagle Industrial Estate, Thane (West) Mumbai, Maharashtra- 400604. The petitioner company for the purpose of expanding its retail business have purchased the property in question and had commenced construction on the same, the property is situated at Bhilai, District- Durg, hence within the territorial jurisdiction of this Hon'ble Court. Respondent nos. 2 to 4 are instrumentalities of State of Chhattisgarh, therefore, fall within the purview of the "State", as under Article 12 and hence fall within the jurisdiction of this Hon'ble Court. The Respondent no. 5 is the private person but being the erstwhile owner of the property is an essential party to this petition, therefore all are necessary parties in this matter. Through this petition, the petitioner is challenging the impugned order dated 02.12.2025 issued by the Respondent no. 2 addressing the



Respondent no. 5, whereby the Respondent no. 2 has suspended the Construction Permission bearing no. 27476 dated 08.05.2025 till further orders. The petitioner being the owner of the supermarket chain, in order to expand its business plan i.e. to open a Supermarket in Bhilai, District Durg, had purchased the commercial land from the Respondent no. 5 situated at Khasra no. 639 (P), Contractor Colony, Supela, Bhilai, District-Durg, admeasuring 3001.52 Square Meter (hereinafter referred as "property in question") by two registered sale deeds. It is imperative to state that the mutation of the property in question has been duly carried out and the same is recorded in the name of the petitioner in the records of the Bhilai Municipal Corporation and vide letter dated 29.10.2025, the Bhilai Municipal Corporation has acknowledged and confirmed the said mutation in favour of the Petitioner company. It is noteworthy to mention that the property in question was originally a "leasehold" property allotted to the Respondent No. 5 and was subsequently converted into "freehold" property by virtue of order dated 11.01.2024. Pursuant to such transfer, the Respondent No. 5 became the lawful owner of the property in question and was legally entitled to sell the same. Respondent No. 5 has duly obtained the permission for construction on the property in question and the said permission was granted on 08.05.2025 vide Permission No. 27476 by the competent authority and is valid up to 08.05.2027. The said building permission was issued in continuation of the Development Permission Order dated 17.04.2025 in respect of the property in question. Thereafter, the petitioner became the absolute owner of the property in question and after purchasing the same through registered sale deeds, the petitioner being the title holder of the property in question having its right to make developments in the said property. Hence, the petitioner upon taking possession



commenced the construction in accordance with the building permission and sanctioned map issued by the competent authorities. Respondent No. 2 issued a show cause notice to Respondent No. 5 alleging that Respondent No. 5 was carrying out illegal and arbitrary construction in contravention of the sanctioned map on the property in question, and sought clarification in this regard. It is pertinent to state that the Notice dated 28.11.2025 is a vague, non-speaking and mechanical notice, as it fails to disclose the specific nature or description of the alleged illegal construction. In response to the Notice dated 28.11.2025, Respondent No. 5 sent a reply dated 01.12.2025 clarifying the actual facts, stating that the property in question has duly been transferred in the name of the Petitioner Company and that the Petitioner Company is the lawful owner of the said property. It is imperative to state that the Respondent No. 5 further clarified the fact that the Petitioner is in possession of the property and that the same has already been updated in the records of Bhilai Municipal Corporation. Respondent No. 2, without considering the said reply and without taking into account the change in ownership of the property in question, passed a non-speaking, perfunctory order suspending the construction permission. It is pertinent to mention that despite having knowledge of the transfer of title in favour of the Petitioner, no opportunity of hearing was ever been granted nor any clarification was sought from the Petitioner before passing the impugned order dated 02.12.2025. This action on the part of Respondent No. 2 amounts to a violation of the principles of natural justice. Respondent No. 5 informed the Petitioner about the Letter dated 28.11.2025, pursuant to which the Petitioner also submitted a clarification to Respondent No. 2 on 03.12.2025 mentioning the factual position along with all the necessary documents. The petitioner also



enclosed photographs of the ongoing construction and categorically stated that the same is in accordance with the granted permission and sanctioned map. After receiving the clarification dated 03.12.2025, Respondent No. 3 issued the impugned Notice dated 08.12.2025 seeking clarification only on the ground that the development permission dated 08.05.2025 was in the name of Respondent No. 5, whereas the construction was being carried out by the Petitioner. It is pertinent to note that, unlike the earlier Notice dated 28.11.2025, there was no allegation of any illegal construction or deviation from the sanctioned map in the present notice. The said notice was issued solely on this ground. In response to the Notice dated 08.12.2025, the Petitioner submitted a reply on 10.12.2025 along with relevant documents, stating that the Petitioner has purchased the property from Respondent No. 5 and is an absolute owner of the said property. The alleged construction is legal and is in accordance with the sanctioned plan and permission, that the Bhilai Municipal Corporation has already recorded the Petitioner's name. The Petitioner further informed that the construction work has been paused. Despite the above reply dated 10.12.2025, Respondent No. 2 has not passed any order on the Notice dated 08.12.2025 nor revoked the impugned order dated 02.12.2025, even after almost three months, resulting in illegal and arbitrary stoppage of the construction work. Petitioner, being aggrieved by the continued inaction of the Respondents, submitted a representation letter dated 05.03.2026 (Ref.No.ASL/LIT/61/Mar/2026/Supela) to the Commissioner, Bhilai Municipal Corporation (Respondent No.2). In the said representation, the Petitioner requested that the Development Permission dated 17.04.2025 and the Construction Permission/Commencement Certificate dated 08.05.2025 be treated as valid in the name of Avenue Supermarts Limited (ASL/DMART) in



view of the mutation already recorded in its favour vide BMC's letter dated 29.10.2025. The Petitioner also furnished a specific undertaking that the construction shall be carried out strictly in accordance with the sanctioned permissions and requested interim permission to resume the work. It is pertinent to state that the Authorised Signatory of the Petitioner company personally visited on several dates i.e. on 16.03.2026 then again on 20.03.2026 in order to follow up with the said letter by visiting the office of Respondent No.2. Despite the said representation and repeated personal visits, no decision or update has been given by the Respondents till date. Hence this Petition.

4. After arguing for some time, learned counsel for the petitioner submits that he may be permitted to file appropriate application before the Municipal Corporation Bhilai contending that building permission in respect of property in question was granted to the erstwhile owner from whom the petitioner has purchased the property in question, as such, the petitioner has stepped into the shoes of the erstwhile owner, therefore, building permission granted to the erstwhile owner may be considered in respect of the petitioner and the petitioner may be allowed to resume the construction work on the property in question.
5. On the other hand, learned counsel for Municipal Corporation Bhilai submits that there is no such provision in the Municipal Act which provides to presume the petitioner to have stepped into the shoes of erstwhile owner who had been granted building permission.
6. Be that as it may, upon considering the submissions made by the parties, this Court finds it appropriate to direct the petitioner to approach the Municipal Corporation Bhilai by filing an appropriate application with regard to the dispute in hand and in turn, the Municipal Corporation Bhilai is directed to consider and



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decide the same in accordance with law by passing appropriate order within a period of **15 days from today** while giving proper opportunity of hearing to the petitioner. Ordered accordingly.

7. With the aforesaid direction, this Writ Petition is disposed of.

Sd/-

(Amitendra Kishore Prasad)
Judge

Avinash