



2026:CGHC:18524

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 1817 of 2026**

1 - Madhvi Gupta W/o Late Shri Shyamji Gupta Aged About 63 Years
R/o M.I.G. 79, Shivaji Nagar, Kosabadi, Ward No. 17, Korba District-
Korba Chhattisgarh

2 - Amitesh Gupta S/o Late Shri Shyamji Gupta Aged About 34 Years
R/o M.I.G. 79, Shivaji Nagar, Kosabadi, Ward No. 17, Korba District-
Korba Chhattisgarh

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

1 - Union Of India Through The Secretary, Prime Ministers Office South
Block New Delhi – 110011

2 - Section Officer, Public Grievance Section . Prime Ministers Office
South Block New Delhi – 110011

3 - Central Vigilance Commission (Cvc), Through Its Director Satarkta
Bhawan, Block - A Gpo Complex Ina New Delhi -110023

4 - State Of Chhattisgarh Through Its Chief Secretary, Mantralaya, Naya
Raipur, District- Raipur Chhattisgarh

5 - Urban Administration And Development Department, Through Its
Secretary, 4th Floor, Block- D Indrawati Bhawan, Atal Nagar, Naya
Raipur, Chhattisgarh- 492002



6 - Deputy Director, Directorate Of Urban Administration And Development (Uad) Indrawati Bhawan, Block - D Fourth Floor, Atal Nagar, (Naya Raipur) , District- Raipur Chhattisgarh

7 - Public Grievance Redressal Department Through The Secretary, Mantralaya, Mahanadi Bhawan, Nava Raipur Atal Nagar Chhattisgarh

8 - Under Secretary, Public Grievance Redressal Department Through The Secretary, Mantralaya Mahanadi Bhavan, Nava Raipur , Atal Nagar, Chhattisgarh

9 - Collector, Collectorate Korba, District- Korba Chhattisgarh

10 - Superintendent Of Police , Korba, District- Korba Chhattisgarh

11 - Commissioner , Municipal Corporation Korba, District- Korba Chhattisgarh

12 - Anupchnad Goyal S/o Gulabchand Goyal Aged About 44 Years R/o Sitamani, Mainroad Korba Besides Yash Fancy Light And Electrical Shop, Korba, District- Korba Chhattisgarh

... Respondent(s)

(Cause Title is taken from CIS System)

For Petitioners	:	Mr. Anniruddh Singh, Advocate
For State	:	Mr. Raj Kumar Gupta, Addl. Advocate General
For U.O.I.	:	Ms. Anchala Kujur, Advocate holding brief on behalf of Mr. Ramakant Mishra, Dy. Solicitor General
For Resp. No. 11	:	Mr. Anuroop Panda, Advocate

Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

23/04/2026

1. The petitioners have filed this writ petition seeking following reliefs:



“10.1 The Hon'ble Court may kindly be pleased to call for the entire records in relation to Grievance No. DARPG/P/2025/0002521 (Appeal) forwarded to Respondent No. 6 Deputy Director UAD from Respondent No. 1 and 2 PMO from the possession of the concerned Respondents.

10.2 The Hon'ble Court may kindly be pleased to call for the entire records in relation to Complaint No. 131272/2025 and Complaint No. 131431/2025 registered before CVC and forwarded to Respondent No. 7 and 8, which in turn routed back to Respondent Collector from the possession of the concerned Respondents.

10.3 The Hon'ble Court may further kindly be pleased to direct the Respondent No. 6 Deputy Director UAD to consider and decide the Grievance No. DARPG/P/2025/0002521 (Appeal) forwarded to it from Respondent No. 1 and 2, within stipulated time period, after proper enquiry and giving proper opportunity of hearing to the petitioner.

10.4 The Hon'ble Court may further kindly be pleased to direct the Respondent No. 7 and 8 Public Grievance Redressal Department to themselves consider and decide the Complaint No. 131272/2025 and Complaint No. 131431/2025 registered before Respondent CVC and forwarded to them via Respondent No. 4 Chief Secretary, which in turn received the complaint cases from Respondent CVC vide its letter dated 09.12.2025 and 10.12.2025 (Part of Annexure P/8), within stipulated time period, after



proper enquiry and giving proper opportunity of hearing to the petitioner.

10.5 Any other relief which this Hon'ble Court deems fit and proper may also kindly be granted to the petitioner, in the interest of justice."

2. Facts of the case, as projected in the petition, are that the petitioner No. 2 is the son of petitioner No. 1 and has been pursuing the present matter on behalf of his mother, who is stated to be aged and suffering from serious medical ailments. It is the case of the petitioners that petitioner No. 1 was lawfully allotted Shop No. 22 situated in the IDSMT Scheme Complex, Korba, by the Municipal Corporation in the year 2004 through a due process of bidding. Subsequently, the said shop was duly registered in her name on 15.07.2008, and she continued to pay rent to the Municipal Corporation, thereby remaining the recorded owner of the property. However, owing to financial constraints, Petitioner No. 1 entered into an agreement in the year 2008 with a private respondent, namely Anup Chand Goyal, for sale of the said shop for a total consideration of Rs. 20 lakhs. It is alleged that the private respondent paid only a partial amount and, with dishonest intention, forcibly took possession of the shop on 25.07.2008 by breaking open the locks, damaging the property, and extending threats to the petitioner and her husband. It is further alleged that Petitioner No. 1 was coerced into signing certain documents and blank papers, which were subsequently misused. The petitioners



further contend that, upon obtaining information through RTI, it came to light that the private respondent, in collusion with certain officials of the Municipal Corporation and a Notary, prepared forged documents and initiated mutation proceedings in his favour on the very same day when the shop stood registered in the name of Petitioner No. 1. Despite such alleged fraudulent acts, the Municipal Corporation continued to recognize Petitioner No. 1 as the owner by issuing notices and accepting rent from her, while at the same time permitting the private respondent to remain in illegal possession and to alter the structure of the shop in violation of applicable municipal laws. It is further stated that since the year 2008, the petitioners have made repeated complaints before various authorities, including the Municipal Corporation, police authorities, and the Collector, but no effective action has been taken. On 02.07.2024, a detailed complaint was submitted before the concerned Police Station seeking registration of an FIR; however, instead of registering the same, the police issued only a certificate under the relevant provisions. Aggrieved thereby, the petitioner approached the Court of Judicial Magistrate First Class, Korba, seeking directions for registration of FIR. Although a police report dated 24.01.2025 acknowledged that the shop belongs to the petitioner and that the private respondent is in illegal possession, the application came to be dismissed on 02.04.2025 treating the dispute as civil in nature. The criminal revision preferred thereagainst was also dismissed by the Sessions Court



on 04.11.2025, and a petition challenging the said orders is stated to be pending before the High Court. It is further the case of the petitioners that Petitioner No. 2 has made multiple representations before higher authorities, including the Prime Minister's Office (PMO), Central Vigilance Commission (CVC), and the State authorities in the year 2025. Though the complaints were taken cognizance of and forwarded to the State authorities, the same were allegedly dealt with in a mechanical manner. The Collector, instead of conducting an independent inquiry, relied upon a report submitted by the Commissioner, Municipal Corporation, Korba, dated 13.08.2025, which incorrectly stated that a civil dispute was already pending between the parties, despite the fact that no such proceedings had been instituted at that time. Based on the said report, the complaint was closed. It is further submitted that only thereafter, on 03.09.2025, the petitioner instituted a civil suit seeking possession of the shop, which initially came to be dismissed at the pre-registration stage on technical grounds and was subsequently re-filed and is presently pending consideration. The petitioners have also approached the PMO by way of appeal and filed complaints before the CVC; however, the grievance redressal process has allegedly remained ineffective, as the complaints were repeatedly forwarded back to the same authorities against whom allegations had been made, thereby rendering the process biased and futile.



3. Learned counsel for the petitioners submits that despite clear and consistent material on record establishing the ownership of Petitioner No. 1 over the shop in question and the illegal possession of the private respondent, the respondent authorities have failed to take any effective action for more than 16 years, thereby violating the fundamental rights of the petitioners under Articles 14 and 21 of the Constitution of India. It is contended that the respondent authorities have erroneously treated the matter as a purely civil dispute, ignoring serious allegations of forcible dispossession, forgery, and collusion involving public officials. Even the police report dated 24.01.2025 clearly acknowledges the illegal occupation of the shop by the private respondent, yet no action has been taken. Learned counsel further submits that the report dated 13.08.2025 submitted by the Commissioner, Municipal Corporation, Korba, is patently false and misleading, as it incorrectly stated that a civil case was pending at the relevant time. The said report was relied upon mechanically by the Collector to close the complaint, without any independent application of mind, thereby rendering the action arbitrary and unsustainable in law. It is also submitted that the grievance redressal mechanism has been rendered illusory, as complaints made before higher authorities such as the PMO and CVC were ultimately routed back to the same local authorities against whom allegations had been levelled, in violation of the principles of natural justice. Learned counsel submits that the continued



inaction of the respondent authorities has resulted in prolonged illegal occupation of the petitioner's property, causing severe financial loss and mental harassment. It is thus urged that appropriate directions be issued to the respondent authorities to take action against the illegal occupation and to ensure fair and independent consideration of the petitioners' grievances in accordance with law.

4. Learned State counsel as also learned counsel for respective respondents jointly oppose the submissions advanced on behalf of the petitioners and submit that the dispute in question primarily involves contested questions of title and possession, which are civil in nature and are already subject matter of adjudication before the competent civil court. It is contended that the respondent authorities have acted within the framework of law and have duly considered the representations made by the petitioners. It is further submitted that no arbitrariness or illegality can be attributed to the respondents, and the present petition, seeking writ jurisdiction, is not maintainable in view of the availability of alternative remedies.
5. I have heard learned counsel for the parties and have perused the documents enclosed along with the petition.
6. The grievance of the petitioners primarily arises out of alleged illegal dispossession and continued occupation of the shop in question by the private respondent, coupled with allegations of



inaction on the part of the authorities in addressing their complaints. From the record, it is evident that the petitioners have already availed remedies before the competent civil court by instituting appropriate proceedings seeking relief of possession and other consequential reliefs.

7. The dispute, insofar as it relates to title, ownership, and recovery of possession, involves disputed questions of fact, which are not amenable to adjudication in exercise of writ jurisdiction under Article 226 of the Constitution of India. However, from a perusal of the complaint and the material placed on record, it prima facie appears that allegations have been made to the effect that respondent No. 12 is carrying out certain illegal activities, including alteration and change in the nature of the property in question, allegedly in violation of the provisions of the Municipal laws. Such aspects fall squarely within the domain and jurisdiction of the Municipal Authorities, who are statutorily empowered to examine and take action in cases of unauthorized construction or misuse of property. In that view of the matter, while this Court is not inclined to enter into the merits of the civil dispute pending between the parties, the limited grievance of the petitioners regarding alleged illegal construction and change in the nature of the property deserves to be considered by the competent authority.



8. Accordingly, considering the facts and circumstances of the case, particularly that the order under challenge pertains to grievances which can appropriately be examined by the Municipal Authorities, this Court directs the Commissioner, Municipal Corporation, Korba to look into the complaint of the petitioners with regard to the alleged illegal acts and change in nature of the property by respondent No. 12 and to pass appropriate orders in accordance with law, after affording due opportunity of hearing to all concerned parties.
9. The petitioners are directed to submit a detailed and fresh representation/complaint before the Commissioner, Municipal Corporation, Korba along with all relevant documents, within a reasonable time.
10. With the aforesaid observations and directions, the writ petition stands disposed of.

No order as to costs.

Sd/-

**(Amitendra Kishore Prasad)
Judge**

Shayna