

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WPC No. 1333 of 2018A suo motu taken Writ Petition **Versus** State of Chhattisgarh

29/08/2018	This is an office reference. Shri Shashank Thakur, Govt. Advocate for the State. This writ petition has been registered pursuant to the direction issued by the Hon'ble Supreme Court on 31.1.2018 while hearing interim applications in SLP (C) No.8519/06. The Hon'ble Supreme Court referred to its previous orders whereby directions were issued that henceforth no unauthorized construction shall be carried out or permitted in the name of Temple, Church, Mosque or Gurudwara etc. on public streets, public parks or other public places etc. In respect of the unauthorized construction of religious nature, which has already taken place, the State Government and the Union Territories were directed to review the same on case to case basis and take appropriate steps as expeditiously as possible. On further date of

hearing, the Chief Secretary and the Administrators of the Union Territories were directed to issue circulars to the Collectors and the District Magistrates to file affidavit. On 16.2.2010, the Hon'ble Supreme Court directed that it has become imperative to direct all the States and the Union Territories to formulate comprehensive policy regarding removal/relocation/regularisation of the unauthorized construction within 6 weeks.

Thereafter the Hon'ble Supreme Court in its order dated 31.1.2018 issued the following directions:-

“To ensure the implementation of directions issued by this Court, consensus has been arrived at Bar and in our opinion, rightly, that the implementation of the order should be supervised by the concerned High Courts. We, consequently, remit the above matters to the respective High Courts for ensuring implementation of the orders in effective manner.

The concerned records be transmitted to the respective High Courts. The interim orders wherever passed, shall continue, until the matters are considered by the High Court. In case any clarification is required, it would be open to the parties to approach this Court. The High Court will have the jurisdiction to proceed in the Contempt of any of the orders passed by this Court.

Pending applications shall also be transmitted to the High Court.”

Along with affidavit of the respondent/State,

Barve	chart (Annexure-R/1 & R/3) has been annexed, however, the Committee formed by the Government has recommended to maintain status quo in respect of 10,399 structures without mentioning as to these structures have been raised prior to the interim order passed by the Hon'ble Supreme Court or thereafter. Let a detailed district-wise report which should be bifurcated Tehsil-wise be submitted before this Court within 3 weeks. List after 3 weeks. Sd/- Judge (Prashant Kumar Mishra)
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