



2026:CGHC:20695



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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 2218 of 2026

Deepesh Joshi S/o Late Shri Kailash Joshi Aged About 42 Years R/o Village Dargahan, Tahsil Charama, District North Bastar Kanker (C.G.)

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through- The Secretary, Town And Country Planning Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (C.G.)

2 - State Of Chhattisgarh Through- The Secretary, Revenue And Disaster Management Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (C.G.)

3 - Assistant Director Town And Country Planning, Regional Office North Bastar, Kanker (C.G.)

4 - Sub Divisional Officer (Revenue) Charama, Tahsil Charama, Kanker, District North-Bastar-Kanker (C.G.).

... Respondents

For the Petitioner : Mr. Bhaskar Payashi, Advocate.

For the State : Mr. Shobhit Mishra, Dy. GA.

Hon'ble Mr. Amitendra Kishore Prasad, Judge

Order on Board

04.05.2026

1. The present writ petition under Article 226 of the Constitution of India has been filed by the petitioner calling in question the legality



and validity of the demolition notice dated 21.04.2026 issued by respondent No.3, whereby the petitioner has been directed to demolish her residential construction, failing which, coercive action has been proposed. The petitioner has prayed for quashment of the said notice and for protection against demolition of her residential house.

2. The case of the petitioner, in brief, is that the petitioner is residing in his residential house constructed over ancestral land bearing Khasra No.147/66 situated at Village Dargahan. The petitioner had obtained a No Objection Certificate from the Gram Panchayat and thereafter raised construction in the year 2022. The petitioner had also applied for diversion of land before the Sub-Divisional Officer (Revenue), who initially directed payment of requisite fees and cess, which the petitioner duly deposited. However, the said application was subsequently rejected on 12.01.2023 on the ground that the land falls within Charama Nivesh Kshetra and the competent authority is the Town and Country Planning Department. Thereafter, the impugned demolition notice dated 21.04.2026 has been issued directing demolition of the petitioner's house.
3. Following reliefs have been prayed for by the petitioner by way of this petition:-

“10.1 That this Hon'ble Court may kindly be pleased to call for entire records from the Respondent No.3 on the basis of which notice (Annexure-P/1) is issued and record



of case Nos. 202203142400013, Category A-2 filed by Harichand decided on 23/03/2022 and Case No. 202305142400028, Category A-2 filed by Shravan Kumar decided on 04/08/2023 from the Office of Sub-Divisional Officer (Revenue) Tahsil Charama, District North Bastar Kanker, for kind perusal of this Hon'ble Court;

10.2 That, this Hon'ble Court may kindly be pleased to issue writ/order for quashing the impugned demolition notice dated 21/04/2026 (Annexure-P/1) Issued by respondent No. 3.

10.3 That, this Hon'ble Court may be pleased to direct the respondents not to take any coercive action on the basis of illegal and arbitrary notice which is not in consonance with Section 37 (1) of the Act, 1973, against the petitioner's residential house;

10.4 That, this Hon'ble Court may be pleased to issue a writ in the nature of mandamus directing the respondent authorities to regularize/process the diversion of the petitioner's land in view of the fees already deposited and the NOC obtained from the Gram Panchayat as the application of other villagers have been allowed by Sub-Divisional Officer (Revenue) Tahsil Charama;



10.5. That this Hon'ble Court may kindly be pleased to grant any other relief(s) as deemed fit and necessary by this Hon'ble Court in the facts and the circumstances of the case.”

4. Learned counsel for the petitioner submits that the impugned notice is arbitrary, illegal and violative of principles of natural justice, as no prior opportunity of hearing was granted before issuance of demolition notice. The petitioner had acted bona fide by obtaining NOC from the Gram Panchayat and by depositing the requisite charges as directed by the revenue authorities. Rejection of diversion application of petitioner by the Sub-Divisional Officer (Revenue) on the ground of lack of jurisdiction indicates that the competent authority is the Town and Country Planning Department. It is thus submitted that the petitioner ought to be permitted to approach the competent authority for seeking appropriate permission under the provisions of the Town and Country Planning Adhiniyam, 1973. Learned counsel further submits that the petitioner is ready to file an appropriate application before the competent Assistant Director, Town and Country Planning, within a stipulated time and prays that till such application is decided, the operation of the impugned demolition notice be kept in abeyance.
5. Per contra, learned State counsel submits that the impugned notice has been issued in accordance with law as the petitioner has raised construction without obtaining proper permission under the



Town and Country Planning Adhiniyam, 1973. It is submitted that in absence of such permission, the construction is unauthorized and liable to be removed. However, it is not seriously disputed that the petitioner may avail the remedy of approaching the competent authority under the relevant provisions of the Adhiniyam, 1973 for seeking regularization/permission.

6. Having heard learned counsel for the parties and perused the record, this Court finds that the impugned demolition notice has been issued on the ground that the petitioner has not obtained requisite permission under the provisions of the Town and Country Planning Adhiniyam, 1973. From the records, it appears that the petitioner had earlier applied for diversion before the Sub-Divisional Officer (Revenue), however, the said application was rejected on 12.01.2023 on the ground that the competent authority to grant such permission is the Town and Country Planning Department. Thus, it is evident that the petitioner is required to approach the competent authority i.e. the Assistant Director, Town and Country Planning, for seeking necessary permission.
7. Considering the peculiar facts of the case, particularly that the petitioner has constructed his residential house on ancestral land after obtaining NOC from the Gram Panchayat and after depositing requisite charges as directed by the authorities, this Court is of the opinion that an opportunity deserves to be granted to the petitioner to approach the competent authority for appropriate relief.



8. In view of the aforesaid analysis, this Court deems it appropriate to dispose of the present writ petition by granting liberty to the petitioner to avail the appropriate statutory remedy before the competent authority under the Town and Country Planning Adhiniyam, 1973.
9. Accordingly, the writ petition is **disposed of** with the following directions:
- (i) The petitioner shall file an appropriate application before the competent authority, i.e., the Assistant Director, Town and Country Planning, Regional Office Kanker, within a period of **30 days** from today seeking necessary permission/regularization in accordance with law.
 - (ii) If such application is filed within the aforesaid period, the concerned authority shall consider and decide the same expeditiously, in accordance with law, after affording an opportunity of hearing to the petitioner.
 - (iii) Till the decision of the said application, the respondents shall not take any coercive steps pursuant to the impugned demolition notice dated 21.04.2026 and the property in question shall not be demolished.

No order as to costs.

Sd/-
(Amitendra Kishore Prasad)
Judge