



CGHC010522872025



2026:CGHC:37873

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 6407 of 2025

1 - Prashant Chandrakar S/o K.P. Chandrakar Aged About 46 Years R/o 194, Ward No. 43, Mukht Nagar, Kasaridih, District - Durg Chhattisgarh

VISHAKHA
BEOHAR

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by VISHAKHA
BEOHAR

... **Petitioner(s)**

versus

1 - State Of Chhattisgarh Through Secretary, Urban Administration And Development Department, Atal Nagar, District - Raipur Chhattisgarh

2 - Municipal Corporation - Durg Through Commissioner, Municipal Corporation Durg, Behind New Bus Stand, Gaurav Path, Durg Chhattisgarh

3 - Building Construction Officer Municipal Corporation - Durg, District - Durg Chhattisgarh

4 - Zone Commissioner Municipal Corporation - Durg, District - Durg Chhattisgarh

5 - Tahsildar Durg, District - Durg Chhattisgarh

6 - Shri Mahendra Chandrakar S/o Lt. Gyan Singh Chandrakar Aged About 62 Years R/o Behind Dr. Chandrakar, Ward No. 43, Mukht Nagar, Kasaridih, District - Durg Chhattisgarh Permanent Address - Village Semri, Post - Darbar Mokhli, Tahsil - Patan, District - Durg Chhattisgarh

7 - Shri Rajesh Singh Thakur S/o Prahalad Singh Thakur Aged About 55 Years R/o Ward No. 43, Mukht Nagar, Kasaridih, District - Durg Chhattisgarh

... Respondents

(Cause-title taken from the Case Information System)

For Petitioners :- Mr. Soumitra Kesharwani, Advocate

For State :- Mr. Shreyansh Mehta, P.L.

For Respondent-Municipal Corporation:- Mr. Dhiraj Kumar Wankhede,
Advocate

SB- Hon'ble Shri Justice Amitendra Kishore Prasad

Order On Board

24.08.2026

1. Following reliefs have been prayed in this petition:-

"1. That, this Hon'ble Court may kindly be pleased to issue a Suitable Writ (s), Order (s), Direction (S), directing the respondent authorities particularly respondent no. 2 to 4 to remove the encroachment from the CC Road/Street leading to the land of the petitioner bearing Khasra no. 787/15 situated at Mukht Nagar, Ward No. 43, Kasaridih, Durg (C.G.).

2. That, this Hon'ble Court may kindly be pleased to issue a Suitable Writ (s), Order (s), Direction (S), directing the respondent no. 03 to conclude the proceedings drawn by respondent no. 03 (Annexure P/2) expeditiously, preferably within a period of 60 days.

3. That, this Hon'ble Court may kindly be pleased to issue a Suitable Writ (s), Order (s), Direction (S),

directing the respondent no. 2 act upon the representation dated 18.10.2025 of the petitioner and decide the same as early as possible, within a reasonable stipulated time.

4. Any other relief, which may be suitable in the facts and circumstances of the case, may also be granted.”

2. Learned counsel appearing for the petitioner submits that the dispute in the present petition essentially relates to the pathway. He submits that the appropriate course would be to direct the concerned Municipal Corporation to conduct demarcation of the pathway in accordance with law. At this stage, learned counsel for the petitioner confines his prayer to a direction to the concerned authority to conduct demarcation in accordance with law, as provided under Section 129 of the Chhattisgarh Land Revenue Code, 1959, and the Rules framed thereunder. He further submits that the demarcation proceedings may be conducted in the presence of the petitioner as well as all the adjoining landholders.

3. Learned counsel appearing for the respondent-Municipal Corporation submits that he has no objection if an appropriate order is passed by this Court. He submits that the Municipal Corporation has already taken steps for removal of the encroachment. However, in order to put the dispute to rest and to the satisfaction of the petitioner, the Municipal Corporation is willing to conduct demarcation of the pathway, particularly as the

dispute relates to a pathway which is required to be kept open having regard to the rights of the concerned parties.

4. Having heard learned counsel for the parties and having considered the submissions made, this Court is of the view that, since the dispute essentially relates to the identification and demarcation of the pathway, the ends of justice would be served by directing the competent authority to undertake demarcation in accordance with law.
5. Accordingly, the present writ petition is **disposed of** with a direction to the concerned Municipal Corporation to conduct demarcation of the disputed pathway in accordance with the provisions of Section 129 of the Chhattisgarh Land Revenue Code, 1959 and the Rules framed thereunder. The said demarcation proceedings shall be conducted in the presence of the petitioner and all the adjoining landholders, after affording them due notice and reasonable opportunity to remain present.
6. Upon completion of the demarcation proceedings, the concerned authority shall take appropriate consequential steps, strictly in accordance with law.
7. It is made clear that this Court has not expressed any opinion on the merits of the respective claims of the parties. The present order is confined only to the limited purpose of demarcation of the disputed pathway.

8. It is further clarified that the pathway in question is stated to be situated within the colony and is meant for use by the residents of the colony. The present order shall, therefore, not be construed as conferring any exclusive right upon the petitioner over the said pathway.
9. Though Mr. Jitendra Gupta, Advocate has not appeared in the present case today but since no adverse order is being passed against the private respondents, as such, even in his absence order is being passed. The present petition is being disposed of only for the limited purpose of directing demarcation of the disputed pathway in accordance with law.
10. The petition stands **disposed of** accordingly.

sd/-

(Amitendra Kishore Prasad)
Judge