



2026:CGHC:19110



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HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 119 of 2026**

1 - Anil Kumar S/o Ram Asram Aged About 70 Years R/o Maveshi Bazar, Ramagarpara, Raipur, District Raipur (C.G.)(As Per Annexure P/2, Wpc No. 5044/2025)

--- Petitioner(s)**versus**

1 - State Of Chhattisgarh Through Secretary, Urban Administration Department, Capital Complex, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur, (C.G.)

2 - Municipal Corporation Through Commissioner, Municipal Corporation Nagar Nigam, Head Office, Near Mahila Thana, Gandhi Udyan, Raipur, (C.G.)

3 - Mayor-In-Council Through Commissioner, Nagar Nigam, Raipur (C.G.)

--- Respondent(s)**WPC No. 125 of 2026**

1 - Praveen Kumar Sachdeva S/o Shri Ram Asra Sachdeva Aged About 61 Years R/o Plot No. 66, Bainsthan, Agrasen Chowk, District Raipur (C.G.)

**---Petitioner(s)****Versus**

1 - State Of Chhattisgarh Through Secretary, Urban Administration Department, Capital Complex, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur, (C.G.)

2 - Municipal Corporation Through Commissioner, Municipal Corporation Nagar Nigam, Head Office, Near Mahila Thana, Gandhi Udyan, Raipur, (C.G.)

3 - Mayor-In-Council Through Commissioner, Nagar Nigam, Raipur (C.G.)

--- Respondent(s)**WPC No. 6682 of 2025**

1 - Prem Kumar Chhokra S/o Shri Govind Kumar Chhokra Aged About 55 Years R/o Agrasen Chowk, Ramsagarpara, Raipur, Distt. Raipur, Chhattisgarh.

---Petitioner(s)**Versus**

1 - State Of Chhattisgarh Through Secretary, Urban Administration Department, Capital Complex, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, Distt. Raipur, Chhattisgarh.

2 - Municipal Corporation Through Commissioner, Municipal Corporation Nagar Nigam, Head Office, Near Mahila Thana, Gandhi Udyan Raipur, Chhattisgarh.

3 - Mayor In Council Through Commissioner, Nagar Nigam, Raipur, Chhattisgarh.

... Respondents

**(Cause-title taken from the Case Information System)**

For Petitioners :- Mr. JT.K. Jha, Advocate appears along
with Mr. Parth Kumar Jha, Advocate
For State :- Mr. S.S. Baghel, G.A.
For Respondents No.2 &3 :- Mr. Pankaj Agrawal, Advocate

SB- Hon'ble Shri Justice Amitendra Kishore Prasad
Order On Board

25.04.2026

1. Since the issue involved in the present petition is identical/similar in nature, the matter has been heard analogously and is being disposed of by this common order.
2. By way of the present petitions, the petitioners have challenged the order dated 03.11.2025 passed by the Commissioner, Municipal Corporation, Raipur, whereby the representation submitted by the petitioners pursuant to the order dated 19.09.2025 passed by this Court in W.P.(C) No. 5044 of 2025 have been rejected. The petitioners have also called in question the earlier resolution dated 04.05.2023 of the Mayor-in-Council.
3. The facts, in brief, are that the petitioners claim to be in possession of the subject land for more than 45 years and had earlier approached this Court by filing W.P.(C) No. 5044 of 2025, challenging the resolution dated 04.05.2023 passed by the Mayor-in-Council. This Court, vide order dated 19.09.2025, disposed of the said petition granting liberty to the petitioners to



submit a fresh representation before the competent authority, with a direction to consider and decide the same in accordance with law after affording an opportunity of hearing. In compliance thereof, the petitioners submitted a representation on 30.09.2025. However, instead of placing the said representation before the Mayor-in-Council, the same has been decided by the Commissioner, Municipal Corporation, Raipur, by order dated 03.11.2025.

3. Following reliefs have been prayed by way of this petition:-

“10.1 Hon'ble Court may kindly be pleased to call for the entire record pertaining to the instant case.

10.2 That, Hon'ble Court may kindly be pleased to allow the petition and set-aside the resolution dated 04.05.2023 of Mayor-in Council and communication of Commissioner, Nagar Nigam, Raipur dated 04.05.2023 being illegal and discriminator in the interest of justice.

10.3 That, the Hon'ble Court may kindly be pleased to allow the petition and set aside the impugned order dated 03.11.2025 passed by commissioner Nagar Nigam Raipur and direct him to place the representation of the petitioner before the competent authority i.e. mayor in council Nagar Nigam Raipur in the interest of Justice.



10.4 Pass any other and further order(s) as may be deemed just and proper in the facts and circumstances of the case.”

4. Learned counsel for the petitioners submits that in terms of the order dated 19.09.2025 passed by this Court, the petitioners were required to submit a representation before the competent authority, and accordingly, the petitioners have submitted the same. It is contended that the competent authority to take a decision in the matter is the Mayor-in-Council; however, instead of placing the matter before the said authority, the Commissioner has passed the impugned order, which is without jurisdiction. It is, therefore, submitted that the Mayor-in-Council is required to consider and decide the petitioners' representation in accordance with law.
5. Per contra, learned counsel appearing for the respondent–Municipal Corporation opposes the petition and submits that the order has been passed by the Commissioner, who represents the Municipal Corporation, and therefore, the same cannot be said to be without authority.
6. Learned State counsel also supports the contention made by the respondent authorities.
7. I have heard learned counsel for the parties.
8. On perusal of the record, it is not in dispute that this Court, vide order dated 19.09.2025 passed in W.P.(C) No. 5044 of 2025, had



directed the petitioner to submit a representation before the respondents, and further directed the authorities to consider and decide the same in accordance with law. It is also not in dispute that the earlier decision regarding allotment of land was taken by the Mayor-in-Council.

9. In such circumstances, when the matter pertains to a decision taken by the Mayor-in-Council, the subsequent representation submitted by the petitioners, pursuant to the directions of this Court, ought to have been placed before the same competent authority for consideration. Instead, the impugned order has been passed by the Commissioner at his own level.

10. Considering the aforesaid facts, and particularly taking into account that the petitioner is only seeking a decision by the competent authority, this Court is of the opinion that it would be appropriate to direct the Mayor-in-Council to consider and decide the petitioners' representation in accordance with law.

11. Accordingly, the writ petitions are **disposed of** with the directions that the impugned order dated 03.11.2025 passed by the Commissioner, Municipal Corporation, Raipur, is hereby set aside. The representation submitted by the petitioners pursuant to the order dated 19.09.2025 shall be placed before the Mayor-in-Council, Municipal Corporation, Raipur. The Mayor-in-Council shall consider and decide the petitioners' representation afresh, in accordance with law, by passing a reasoned and speaking order,



after affording an opportunity of hearing to the petitioners. The aforesaid exercise shall be completed within a period of 45 days from the date of receipt of a certified copy of this order.

12.It is made clear that this Court has not expressed any opinion on the merits of the case.

sd/-

(Amitendra Kishore Prasad)
Judge

Vishakha