



2026:CGHC:16852

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 3553 of 2021

Murari Lal Gupta S/o Late Shri Durga Prasad Gupta Aged About 71 Years R/o Mangla, Tahsil And District Bilaspur Chhattisgarh

... **Petitioner**

versus

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

2 - Collector Bilaspur District Bilaspur Chhattisgarh

3 - Municipal Corporation Bilaspur Through Its Commissioner, Bilaspur District Bilaspur Chhattisgarh

4 - Sub Divisional Officer / Land Acquisition Officer Prescribed Authority Under The Land Acquisition Act, Bilaspur District Bilaspur Chhattisgarh

... **Respondents**

(Cause-title taken from Case Information System)

For Petitioner	:	Mr. Shyam Kumar, Advocate on behalf of Mr. Achyut Tiwari, Advocate
For Respondent-State	:	Ms. Akanksha Verma, Panel Lawyer
For Respondent No.3	:	Mr. Manas Vajpai, Advocate on behalf of Mr. Sandeep Dubey, Advocate

Hon'ble Shri Amitendra Kishore Prasad, Judge

Order on Board

13.04.2026

1 By way of this writ petition, the petitioner assails the arbitrary and high-handed action of the respondent authorities in threatening demolition of the petitioner's structure without adjudicating the application preferred by the petitioner and in gross violation of the

principles of natural justice, particularly inasmuch as no adequate opportunity of hearing has been afforded to the petitioner. The petitioner has prayed for following relief(s) :-

“10.1 That, this Hon'ble Court may kindly be pleased to allow the petition and direct the respondent authority to not demolish the structure of petitioner bearing Khasra No.1033/5 area 1100 sq.feet and diverted land of 880 sq.feet situated at Mangla, District Bilaspur (C.G.) and also be pleased to direct the respondent Municipal Corporation to give opportunity of hearing to the petitioner and decide the application submitted by the petitioner.

10.2 That, this Hon'ble Court may kindly be pleased to direct the respondent authority to provide proper compensation as per law to the petitioner.

10.3 Any appropriate writ, direction or order may also kindly be passed in favour of the petitioner, which this Hon'ble court deems fit in the circumstances of the case.”

- 2** Learned counsel for the petitioner submits that the petitioner is the lawful owner and in settled possession of the land bearing Khasra No. 1033/5, admeasuring 1100 square feet, out of which 880 square feet is duly diverted land, situated at Mangla, District Bilaspur (C.G.), and has raised construction thereupon strictly within the boundaries of his own land. It is contended that the

petitioner has established shops over the said land and has been carrying on his business for several years, while regularly paying all requisite municipal taxes and other dues to the competent authorities, thereby establishing not only his lawful possession but also the recognition of such possession by the State instrumentalities. He further submits that the genesis of the present dispute lies in a proposed road development plan of the year 2004, wherein Mangla–Bhaisajhar Road was indicated for development. However, it is emphatically contended that despite the passage of considerable time, no lawful acquisition proceedings have been initiated, nor has any demarcation been carried out in accordance with law to establish that the petitioner's land falls within the alignment of the proposed road. In absence thereof, any coercive action on the part of the respondents is wholly arbitrary and de hors the procedure established by law.

- 3** It is next contended that in complete violation of the principles of natural justice, the respondent authorities have neither issued any notice nor afforded any opportunity of hearing to the petitioner. On the contrary, the authorities of the Municipal Corporation are repeatedly visiting the site and are orally threatening the petitioner and other similarly situated persons to remove their constructions, failing which the same would be demolished. Such conduct, it is submitted, is not only high-handed but also unconstitutional, as it seeks to deprive the petitioner of his property without due process

of law. He also draws the attention of this Court to the fact that the petitioner has not been served with any valid or statutory notice till date. The only document allegedly found is a vague and incomplete communication purportedly issued by a Revenue Inspector, which neither bears the name of the petitioner nor any date, and thus cannot be treated as a notice in the eyes of law. It is argued that such an act clearly demonstrates non-application of mind and arbitrary exercise of power by the authorities.

- 4 It is further submitted that in an earlier round of litigation being W.P. No. 2699/2006, this Court, on the statement made by the Municipal Corporation, had categorically directed that no coercive action shall be taken without affording due opportunity of hearing to the affected parties. Despite such categorical assurance recorded by this Court, the respondents are now acting in utter disregard of the same, thereby rendering their action not only illegal but also contemptuous in nature. Lastly, learned counsel submits that the petitioner, despite being an aged person, has approached the respondent authorities by way of a representation dated 17.08.2021, seeking appropriate consideration of his case. However, the said application has remained pending without any decision till date. It is thus submitted that the petitioner is not opposed to lawful acquisition or road widening per se, but prays that any such action must be preceded by due notice, proper hearing, and payment of just compensation in accordance with

law. In absence thereof, the threatened action of demolition deserves to be interdicted by this Court.

5 On the other hand, learned State counsel appearing for the respondents No.1, 2 and 4 opposes the writ petition and submits that the entire case of the petitioner is based merely on an unfounded apprehension that the respondent authorities may demolish the structure standing over the land in question, whereas no such coercive action has, in fact, been undertaken till date. She further submits that the petitioner continues to remain in peaceful possession of the property and is carrying on his business activities without any interference from the respondents. It is argued that no demolition has been carried out nor has any final decision been taken by the competent authorities with regard to removal of the alleged structure for the purpose of construction or widening of the Mangla–Bhaisajhar Road. In absence of any concrete or imminent action, the present petition is based on mere speculation and is thus not maintainable in the eyes of law.

6 It is further contended that the petitioner has failed to place on record any cogent or reliable material to substantiate his allegation that the respondents are going to demolish the structure in the immediate future. The alleged oral directions or visits of the officials, even if assumed to be true, do not give rise to a cause of action for invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India. She also

submits that it is a settled principle of law that no writ can be issued on the basis of mere apprehension or anticipation of injury. The extraordinary jurisdiction of this Court is to be exercised only when there is a clear infringement of a legal right or a demonstrable threat of such infringement, which is conspicuously absent in the present case. Therefore, the petition deserves to be dismissed on the ground of prematurity alone. It is further submitted that in the event any portion of the petitioner's land is required for public purpose, including for construction or widening of a public road, the respondent authorities shall undertake necessary proceedings strictly in accordance with law, including acquisition, demarcation and grant of compensation, as may be applicable. Hence, the apprehension expressed by the petitioner is wholly unfounded and misplaced.

- 7 On the other hand, learned counsel appearing for respondent No.3 vehemently opposes the maintainability of the present petition and submits that the same is wholly misconceived, premature and devoid of any factual as well as legal foundation. It is contended that no notice whatsoever has been issued to the petitioner by respondent No.3, and therefore, the very basis on which the present petition has been instituted is incorrect and misleading. Learned counsel would further submit that in absence of any adverse order or coercive action, the petitioner cannot be said to have any subsisting or enforceable cause of action so as

to invoke the extraordinary jurisdiction of this Court. It is argued that the petition is based on mere apprehensions and speculative allegations, which do not confer any right upon the petitioner to maintain the present proceedings. On these grounds, it is urged that the petition deserves to be dismissed at the threshold.

- 8** I have heard the learned counsel for the parties at length and have carefully perused the pleadings, documents, and other material available on record.
- 9** From perusal of the writ petition, it appears that vide order dated 03.09.2021, interim relief has been granted in favour of the petitioner to the effect that no coercive or forceful demolition of the petitioner's shop shall be carried out, save and except in accordance with due process of law. It was further directed that the aforesaid protection shall remain in operation till the next date of hearing, thereby safeguarding the petitioner from any arbitrary action on the part of the respondent authorities pending adjudication of the present writ petition.
- 10** Upon meticulous consideration of the pleadings and material placed on record, it becomes evident that the entire edifice of the present writ petition rests upon a mere apprehension entertained by the petitioner with regard to possible demolition of the structure standing over the land in question. A careful perusal of the petition and the documents annexed therewith does not disclose that any statutory notice, order, or communication has been issued by the

competent authority directing demolition of the petitioner's construction. The pleadings are conspicuously silent as to any concrete or imminent action taken by the respondents which may give rise to a legally enforceable grievance. In absence of any such material, the claim of the petitioner appears to be founded solely on perceived threats and assumptions rather than on any definitive or actionable decision of the authorities.

11 It is a well-settled principle governing the exercise of jurisdiction under Article 226 of the Constitution of India that a writ court does not ordinarily entertain petitions founded on speculative or anticipatory causes. The existence of a cause of action, either actual or imminently threatened, is a sine qua non for invoking the extraordinary jurisdiction of this Court. In the present case, not only is there an absence of any formal notice or order, but even the alleged actions of the respondents do not constitute a demonstrable infringement of any legal right of the petitioner. Mere visits of officials or alleged oral assertions, even if taken at their face value, do not confer a legally sustainable cause of action.

12 This Court also takes note of the categorical stand taken by respondent No.3, as well as the submissions advanced by the learned State counsel, to the effect that no notice for demolition has been issued to the petitioner and no coercive action has been initiated or is presently contemplated against him. In such

circumstances, the apprehension expressed by the petitioner is rendered wholly unfounded. The petitioner, therefore, appears to have approached this Court in undue haste, without waiting for any concrete action on the part of the authorities.

- 13** It is further relevant to observe that although interim protection came to be granted earlier, the same appears to have been obtained in the absence of a complete factual foundation. The continuation of such protection, in the absence of any subsisting cause of action, cannot be justified. Judicial interference at this stage would amount to pre-empting administrative action which is yet to crystallize and may never arise in the manner apprehended by the petitioner.
- 14** In view of the aforesaid analysis, this Court is of the considered opinion that the present writ petition is premature, not maintainable and devoid of merit, as it lacks a foundational cause of action necessary for invoking writ jurisdiction.
- 15** Accordingly, the writ petition stands dismissed. However, it is observed that in the event the respondent authorities initiate any action affecting the rights of the petitioner in future, the same shall be undertaken strictly in accordance with law and after affording due opportunity of hearing to the petitioner.

Sd/-
(Amitendra Kishore Prasad)
Judge