



2026:CGHC:5120

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 73 of 2026

Operator Hinustan Chicken Center Sanjay Chowk Gaurela District- Gaurela-Pendra-Marwahi (C.G.) Through Mohd Saif S/o Shamsuddin Aged About 44 Years R/o Ward No.17, Sunder Nagar Sarbahara Gaurela, District- Gaurela - Pendra-Marwahi (C.G.)

... Petitioner.

Versus

1. State Of Chhattisgarh Through- Secretary Urban Administration And Development Department Mahanadi Bhawan, Atal Nagar, District- Raipur (C.G.)
2. The Collector Guarela District- Gaurela -Pendra-Marwahi (C.G.)
3. Chief Municipal Officer Municipal Council Guarela District- Gaurela-Pendra-Marwahi (C.G.)

... Respondents.

(cause title downloaded from CIS Periphery)

For Petitioner	:	Mr. Yogendra Chaturvedi, Advocate.
For Res No.1 and 2	:	Mr. Abhishek Gupta, PL.
For Res No.3	:	Mr. Shikhar Shukla, Advocate

(Hon'ble Shri Justice Naresh Kumar Chandravanshi)

Order on Board

30/01/2026

1. This Writ Petition under Article 226 of the Constitution of India has been filed for the following reliefs:-



"10.1 That, this Hon'ble Court may kindly be pleased to issue appropriate writ/writs, order/orders, direction/directions and set-aside the impugned orders Annexure-P/1 and P/2.

10.2 Any other relief which this Hon'ble Court deem fit and proper may also kindly be granted to the petitioner in the interest of justice."

2. Learned counsel for the petitioner submits that the petitioner is running a Chicken shop in the name of "Hindustan Chicken Center" since more than 20 years. However, on 03.11.2025, respondent No.3 issued notice (Annexure-P/2) to the petitioner for closing of his shop alleging that the shop is running in violation of 246, 264, 283 and 284 of the Chhattisgarh Municipalities Act, 1961 (in brevity the "**Act 1961**"). When the petitioner approached the respondent/Authorities to not close the shop, again a notice has been issued against him on 12.12.2025 (Annexure-P/1) for sealing of the said shop. He further submits that no specific place has been assigned to the petitioner in compliance of Section 264 of the Chhattisgarh Municipalities Act, 1961. Therefore, the impugned notices are bad in law and same deserve to be quashed.
3. Learned counsel for respondent No.3 would not dispute the fact that no specific place has been assigned in compliance of Section 264 of the Chhattisgarh Municipalities Act, 1961.
4. Heard learned counsel for the parties and perused and the record.
5. Having regard to the submission of learned counsel for petitioner and counsel for respondent No.3 and also considering the provision contained in Section



264 of the Act 1961, since no specific place has been assigned by the Municipal Council Gaurela, the impugned notice Annexure-P/2 dated 03.11.2025 and subsequent notice Annexure-P/1 dated 12.12.2025 are not sustainable. Hence, impugned notices deserves to be and are hereby quashed.

6. However, liberty is reserved in favour of respondent No.3/Authority that after assigning a particular place in compliance of Section 264 of the Act 1961, it may take appropriate steps in respect of the petitioner's shop, in accordance with law.
7. With the aforesaid observation and direction, this petition stands disposed of.
8. Pending/interim application(s), if any, also stands disposed.

Sd/-

(Naresh Kumar Chandravanshi)
Judge

Ajay