



2026:CGHC:19872



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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 2101 of 2026

1 - Smt. Anita Vishwakarma D/o Late Rajaram Vishwakarma Aged About 53 Years R/o Padhawpara, Jawahar Ward- 11, Munceli, Tahsil- Mungeli, District- Mungeli, Chhattisgarh

2 - Anil Vishwakarma S/o Late Rajaram Vishwakarma Aged About 42 Years R/o Padhawpara, Jawahar Ward- 11, Munceli, Tahsil- Mungeli, District- Mungeli, Chhattisgarh

3 - Smt. Sunita Vishwakarma D/o Late Rajaram Vishwakarma Aged About 49 Years R/o Padhawpara, Jawahar Ward- 11, Munceli, Tahsil- Mungeli, District- Mungeli, Chhattisgarh

4 - Smt. Nirmala Vishwakarma D/o Late Rajaram Vishwakarma Aged About 45 Years R/o Padhawpara, Jawahar Ward- 11, Munceli, Tahsil- Mungeli, District- Mungeli, Chhattisgarh

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through Secretary, Department Of Revenue And Disaster Management, Mantralaya, Mahanadi Bhawan, New Raipur, District- Raipur, Chhattisgarh

2 - Secretary Department Of Urban Administration And Development Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District- Raipur, Chhattisgarh

3 - Chief Municipal Officer- Municipal Council- Mungeli Office Of Municipal Council- Mungeli, District- Mungeli, Chhattisgarh

4 - The Collector- Mungeli District- Mungeli, Chhattisgarh



5 - Sub-Divisional Officer (Revenue)- Mungeli District- Mungeli, Chhattisgarh

6 - Tahsildar- Mungeli District- Mungeli, Chhattisgarh

7 - Nazul Officer- Mungeli District- Mungeli, Chhattisgarh

... Respondents

(Cause-title taken from the Case Information System)

For Petitioners :- Mr. Suyash Agrawal, Advocate

For State :- Mr. Shobhit Mishra, Dy. G.A.

For Respondent No.3 :- Mr. Shikhar Shukla, Advocate

SB- Hon'ble Shri Justice Amitendra Kishore Prasad

Order On Board

29.04.2026

1. By way of the present writ petition filed under Article 226 of the Constitution of India, the petitioners have called in question the action of respondent No. 3 in raising construction/installation of a stage/statue in front of the petitioners' shop, which is alleged to be obstructing their right of ingress and egress and affecting their business.
2. The case of the petitioners, in brief, is that they are in possession of land and shop situated at Padhawpara, Jawahar Ward No. 11, Mungeli, wherefrom they are carrying out their livelihood. It is submitted that respondent No. 3 has undertaken construction for installation of a statue in front of the petitioners' shop, which is likely to obstruct the main passage and adversely affect their business. It is further submitted that the petitioners have earlier challenged certain proceedings initiated by the Municipal Council



before this Court and interim protection has been granted in their favour. It is alleged that the present action has been undertaken to indirectly interfere with the petitioners' peaceful enjoyment of their property.

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

“10.1 This Hon'ble Court may kindly be pleased to directed the respondent State to call relevant records, pertaining to the instant matter.

10.2 This Hon'ble Court may kindly be pleased to Issue an appropriate writ, order or direction, preferably in the nature of Mandamus, directing the respondents not to carry out or proceed with the construction of stage/statue/idol in front of the petitioner's shop situated at Khasra No. 684/4/1, Sheet No. 28-D and Khasra No. 684, Nistar No. 28, Plot No. 113, at Padhawpara, Jawahar Ward No. 11, Tahsil and District Mungeli;

10.3 This Hon'ble Court may kindly be pleased to Issue an appropriate writ, order or direction directing the respondents to ensure that the petitioner's right of 'entry and way-out' and peaceful enjoyment of her property and business is not obstructed in any manner whatsoever;

10.4 This Hon'ble Court may kindly be pleased to Quash/set aside any action, decision or proposed activity of the respondents which results in obstruction of access to the petitioner's property or adversely affects her rights;



10.5 This Hon'ble Court may kindly be pleased to Grant any other relief(s) deemed fit and proper in the facts and circumstances of the case, including costs of the petition.”

4. Learned counsel for the petitioners submits that due to installation of the statue in front of the petitioners' shop, their business is being adversely affected and their privilege rights are being curtailed. It is further submitted that the action of the respondents is arbitrary and has been taken without following due process of law.
5. Learned State counsel, as well as counsel appearing for respondent No. 3, submit that the statue has been installed pursuant to due approval and resolution of the Municipal Council and no illegality has been committed in the process. It is further submitted that the issues raised involve disputed questions of fact, which are not amenable to adjudication under writ jurisdiction.
6. Having heard learned counsel for the parties and perused the material available on record, this Court finds that as per the submissions made and the photographs placed on record, the statue in question has already been installed.
7. This Court also finds that the Division Bench of this Court in W.P. (C) No. 463 of 2026, decided on 24.02.2026, has observed that matters relating to location, planning and suitability of such installations fall within the domain of the competent municipal



authorities and are not ordinarily amenable to writ jurisdiction unless statutory violation is demonstrated.

8. In the present case, no material has been brought on record to establish that the action of the respondents is in violation of any statutory provision or suffers from arbitrariness warranting interference by this Court. However, considering the grievance raised by the petitioners that their business is affected due to installation of the statue, this Court is of the view that the petitioners may approach the competent authority for redressal of their grievance.
9. Accordingly, the petitioners are directed to file a detailed representation before the concerned competent authority ventilating their grievance within a period of two weeks from today. In the event such representation is filed, the concerned authority shall consider and decide the same, in accordance with law, within a reasonable period, preferably within a period of 30 days from the date of filing of the representation.
10. With the aforesaid observations and liberty, the writ petition stands **disposed of**.
11. No order as to costs.

sd/-

(Amitendra Kishore Prasad)
Judge

Vishakha