

Respondent(s)

3. Heard Mr. P.Roy Barman, learned Sr. Counsel assisted by Ms. A. Debbarma, learned counsel appearing for the petitioner. Also heard Mr. M. Debbarma, learned counsel appearing on behalf of the respondent(s).

4. Mr. P. Roy Barman, learned Sr. Counsel submits before this Court that CEO, Udaipur Nagar Panchayat issued memorandum dated 07.07.1997, by which it was made clear that the Chairperson, Udaipur Nagar Panchayat desires to give the stall of Ramesh Chowmuhanani shed finally to the selected allottees through method of lottery to be held on 10.07.1997 in which the petitioner stood at SL. No. 25. Thereafter on 29.08.2020 issued notice to the petitioner stating that the Udaipur Municipal Council has decided to re-allot the stall to a 3rd party for Rs. 600/- and directed the petitioner to vacate the room within 07 days. Further stating that the allotment order will be cancelled without any correspondence.

5. As seen from the record the petitioner is not in arrears. Thus, the allegations that the petitioner need to vacate do not have any weightage. After perusing the entire evidence on record, this court directs the respondents to permit the petitioner in shop no.3 in the premises where he has been granted in terms of the agreement dated 07.07. 1997. However, it is always open for the respondents to take steps in accordance with law, if they find any violation committed by the petitioner in this regard.

6. With the above observation and direction, this present writ petition stands allowed and the impugned notice dated 29.08.2020 is set aside. Accordingly, the same is set aside. As a sequel, stay if any stands vacated. Pending application(s), if any also stand disposed of.

JUDGE

Paritosh

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