



CGHC010271912026



2026:CGHC:41011-DB

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPC No. 3799 of 2026**

- Pradeep Kumar Uike S/o Shri Netram Uike Aged About 40 Years
Occupation Private Tour And Travel Agency Operator R/o Village
Bortara, Tahsil Gurur, District Balod Chhattisgarh

... Petitioner**versus**

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural
Development Department, Mahanadi Bhawan, Mantralaya, Atal Nagar,
Nava Raipur, District Raipur Chhattisgarh.
2. The Collector District Balod Chhattisgarh.
3. The Chief Municipal Officer Nagar Panchayat Gurur, District Balod
Chhattisgarh.

... Respondents

For Petitioner	:	Mr. Jitendra Nath Nande, Adv.
For Respondent No.1 and 2	:	Mr. Prasoon Bhaduri, Deputy A.G.
For Respondent No.3	:	Mr. Sangarsh Pandey, Adv.

Hon'ble Mr. Krushna Ram Mohapatra, Chief Justice**Hon'ble Mr. Santosh Sharma, Judge****Order on Board****Per : Krushna Ram Mohapatra, Chief Justice****21/09/2026**

1. The rejoinder filed on behalf of the petitioner is received from the
Registry and is taken on record and copy of the rejoinder has been
served upon the learned counsel for the respondents.
2. Petitioner, in this writ petition, prays for the following reliefs :-

“10.1 That, the Hon'ble Court may kindly be pleased to allow the instant writ petition and issue writ of mandamus directing the respondents to honor the concluded auction process and confirm the petitioner's successful bid by handing over peaceful possession of Shop No.5 to the petitioner and execute the necessary allotment/lease agreement in accordance with law, in the interest of justice.

10.2 That, the Hon'ble Court may kindly be pleased to issue writ of mandamus and direct the respondents not to conduct any fresh auction or create any third party rights in respect of Shop No.5, in the interest of justice.

10.3 Any other relief/reliefs which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case may kindly be please granted to the petitioner, in the interest of justice.

3. Learned counsel for the petitioner submits that pursuant to auction notice dated 16.02.2026 for allotment of shop by Nagar Panchayat, Gurur in the District of Balod, the petitioner submitted his bid in respect of Shop No.5. In the advertisement, it was specifically stated that Shop No.5 has been reserved for Scheduled Tribes. The petitioner, who is a member of the Scheduled Tribes Community, being the highest bidder, was communicated with the offer of allotment. But, in spite of depositing the bid amount, the Shop No.5 was never allotted to the petitioner at any point of time. Thus, he made a representation to the Chief Municipal Officer, Nagar Panchayat, Gurur (respondent No.3) on 19.05.2026 (Annexure-P/3). In response to such representation, the petitioner was communicated with a letter dated 20.05.2026 (Annexure-P/1) indicating *inter alia* that as per Resolution No.4 dated

20.03.2026 of the Nagar Panchayat, the auction of Shop No.5 was cancelled as it was opposed to the Resolution No.1 dated 08.12.2017 of the Nagar Panchayat reserving it for Scheduled Caste category. It is submitted by learned counsel that tender inviting authority cannot change the rule of game after its commencement. The Nagar Panchayat has violated the settled principles of law by changing the category of allotment of shop from Scheduled Tribes Category to Scheduled Caste Category. It is a submission that the said decision was taken after the auction process was over and before allotment of the shop in favour of the petitioner. It is further submitted that Shop No.4 has been allotted to his wife and had the Shop No.5 been allotted in favour of the petitioner then it would have benefited his family in earning livelihood. Since the auction process was cancelled at the fag end, i.e., at the time of allotment of Shop No.5, the petitioner is not in a position to seek for allotment of any other shop in his favour. It is further submitted that no order cancelling the auction process in respect of Shop No.5 has been passed by the Nagar Panchayat. Hence, the action of Nagar Panchayat is out and out illegal and arbitrary. As such, the same is liable to be set aside and the petitioner be allotted the Shop No.5 forthwith and possession of the same be delivered to him.

4. Learned counsel for the respondent No.3 vehemently objected the above submission. Referring to the counter affidavit filed by the Nagar Panchayat, it is submitted that there was an error in reserving the Shop No.5 for Scheduled Tribes in the advertisement dated 16.02.2026. The said reservation is opposed to the sanction made by the State Government vide letter dated 25.01.2012 (Annexure-R-3/2), wherein

the Shop No.5 was kept reserved for Scheduled Caste community. By virtue of said order of sanction of allotment, the Shop No.5 was allotted to one Navin Tandon, who belonged to Scheduled Caste community. When the irregularity came to light, the Nagar Panchayat, Gurur vide its Resolution dated 20.03.2026 at Serial No.2 took a decision to the effect that since there is error in the reservation of the Shop No. 5, fresh auction notice should be published. Accordingly, the fresh auction notice in respect of Shop No.5 was published and the fresh auction process is going on. The petitioner did not participate in the fresh auction process. He has also not challenged fresh auction notice in the writ petition. As such, the writ petition is not maintainable and is liable to be dismissed.

5. Mr. Bhaduri, learned Deputy Advocate General appearing for the respondents No.1 and 2 reiterating the submission of learned counsel for respondent No.3, contends that there is no illegality in cancelling the offer of allotment made in respect of Shop No.5 in favour of the petitioner. In fact, there was an error in the advertisement in the auction notice for allotment of Shop No.5, but subsequently it came to light and was accordingly rectified. There was no illegality in canceling the offer of allotment made in favour of the petitioner and proceeding with fresh auction in respect of Shop No.5. He also drew the attention of this Court to the Chhattisgarh Nagar Palika (Transfer of Immovable Properties) Rules, 1996 (for brevity, 'Rules of 1996'). Rule 8 of Rules of 1996 deals with reservation for allotment of Shops. Rule 8 (3) of Rules of 1996 is relevant for adjudication of the writ petition, which reads as under:-

“8. दुकानों का आरक्षण -

(3) आरक्षित श्रेणी की आबंटित दुकानें न तो हस्तांतरित की जावेंगी और न ही किराये पर दी जावेगी, यदि ऐसा हुआ तो आबंटन निरस्त किया जावेगा।"

In view of above, learned Dy. Advocate General submits that no right has been created in favour of the petitioner by issuing offer of allotment of Shop No.5 in his favour. It could have also been cancelled after allotment if any defect would have been found subsequently.

6. Taking note of the submission made by the parties and on perusal of the records, this Court finds that in the auction notice dated 16.02.2026 issued by Nagar Panchayat, Gurur, Shop No.5 was reserved for Scheduled Tribe. But in view of the submission made by the learned counsel for the respondents, on perusal of documents, it is apparent that it should have been reserved for Scheduled Caste community. When the said defect in the auction notice came to light, the Nagar Panchayat, Gurur, vide its Resolution dated 20.03.2026 took a decision to go for fresh auction, as there was error in the reservation of Shop No.5. Rule 8(3) of the Rules of 1996 clearly stipulates that the allotment of Shop may be cancelled at any point of time, if any defect is pointed out, even after allotment is made. Thus, there is no error in taking the decision by the Nagar Panchayat, Gurur under Annexure-R-3/5 for issuance of fresh notice of auction. Once the illegality came to light, the authority could not have proceeded with the erroneous auction notice in respect of Shop No.5 in allotting the same in favour of the petitioner, who was in fact the highest bidder. Allotment of adjacent Shop No.4 to the wife of the petitioner cannot be a ground for allotment of the Shop No.5 in his favour, as there was apparent error in reserving the same for Scheduled Tribe community instead of Scheduled Caste

Community. The said Resolution dated 20.03.2026 is also not challenged by the petitioner in the present writ petition.

7. In view of the discussions made above, we are of the considered opinion that petitioner is not entitled to be allotted the Shop No.5, although, he was the highest bidder pursuant to the auction notice dated 16.02.2026. Hence, we find no merit in the writ petition. Accordingly, the writ petition being devoid of merits stands dismissed.
8. Needless to say, earnest money, if any, deposited by the petitioner be returned to him on proper acknowledgment, in accordance with Rules, if he is otherwise entitled to the same.

Sd/-
(Santosh Sharma)
Judge

Sd/-
(Krushna Ram Mohapatra)
Chief Justice

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