

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 987 of 2015

1. Bacchudas Jagmalaani, S/o Chimandas Jagmalani Aged About 65 years
Occupation Business R/o Gole Bazar, Khairagarh, District Rajanandgaon
Chhattisgarh
2. Ram Chandra @ Rama Wadhwani S/o Shri Govind Ram Wadhwani Aged
About 53 Years R/o Barethpara Khairagarh, District Rajnandgaon
Chhattisgarh
3. Pratap Rai Bhawanani S/o Bhorandmal Bhanwani Aged About 70 Years
R/o Barethpara Khairagarh, District Rajnandgaon Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh, Through Secretary Department Of Urban
Administration & Development, Mahanadi Bhawan, New Mantralaya, New
Raipur Chhattisgarh
2. Collector Rajnandgaon, District Rajnandgaon Chhattisgarh
3. Nazul Officer Rajnandgaon, District Rajnandgaon Chhattisgarh
4. Chief Municipal Officer Municipal Council Khairagarh, District Rajnandgaon
Chhattisgarh

---- Respondents

WPC No. 988 of 2015

Vijay Kumar Photani, S/o. Govind Ram Photani, aged about 48 years, R/o.
Baniyapara, Khairagarh, District Rajanandgaon Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh, Through Secretary Department Of Urban
Administration & Development, Mahanadi Bhawan, New Mantralaya, New
Raipur Chhattisgarh
2. Collector Rajnandgaon, District Rajnandgaon Chhattisgarh
3. Nazul Officer Rajnandgaon, District Rajnandgaon Chhattisgarh
4. Chief Municipal Officer Municipal Council Khairagarh, District Rajnandgaon
Chhattisgarh

---- Respondents

For Petitioners	: Shri Sandeep Shrivastava, Advocate
For Respondent No.1 to 3	: Shri Gary Mukhopadhyay, Dy. G.A. for the State and
For Respondent No.4	: Shri Sudeep Agrawal, Advocate in both the petitions.

Hon'ble Shri Justice Pritinker Diwaker

Order On Board

08/07/2015

Since challenge in both these petitions is to the notice dated 04.06.2015 (Annexure P-1) issued by the Municipal Council, Khairagarh asking the petitioners to vacate their shop as at the place where the petitioners shop is situated, a new commercial complex is to be constructed, they are being disposed of by this common order.

2. In the return filed by the respondent No.4 Municipal Council, it has been stated that as the present shops which are in possession of the petitioners are in a dilapidated condition, the Council has decided to construct new shops at the place where the petitioners shops are situated and after constructing the said commercial complex the petitioners who are in possession of the shops, would be allotted shops in the said complex. It has also been stated that as a temporary arrangement, alternative sites would also be provided by the municipal council so that the petitioners may not face any problem in earning their livelihood and the moment the new commercial complex is constructed, the petitioners shops would be shifted there.

3. Counsel for the Municipal Council has reiterated the submissions made in the return and submits that the apprehension shown by the petitioners has no basis and as soon as the new complex is constructed, the petitioners would be shifted there.

4. In view of the stand taken by the Municipal Council, at this stage counsel for the petitioners pray for withdrawal of the writ petitions with liberty to file petition afresh in case occasion so arises.

5. Accordingly, the petitioners are permitted to withdraw these petitions with the aforesaid liberty.

Sd/-
(Pritinker Diwaker)
Judge