

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1741 of 2015

Smt. Raj Kumari Patel W/o Mahadev Patel, Aged About 32 Years R/o Bhagat Singh Colony, S.E.C.L., Korba, Tahsil And District Korba, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Country And Town Planning, D.K.S. Bhawan, Mantralaya, P.S. Civil Lines, Raipur, Chhattisgarh
2. Municipal Corporation, Korba, Through Its Estate Officer, Korba, District Korba, Chhattisgarh
3. Municipal Corporation- Korba, Through Its Commissioner, Korba, District Korba, Chhattisgarh
4. Collector, Korba, District Korba, Chhattisgarh
5. Tahsildar, Korba, District Korba, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Ravi Bhagat, Advocate.
For Respondents No.1,4 & 5/State	:	Shri S.P. Kale, Dy. A.G.
For Respondents No.2 & 3	:	Shri Pankaj Agrawal, Advocate

Order On Board

30/09/2015

Heard.

1. The petitioner has filed this petition aggrieved by impugned order dated 02/09/15 by which the allotment of shop to the petitioner has been cancelled on the allegation of violation of terms and conditions of allotment.
2. The sole submission of learned counsel for the petitioner is that on certain complaints, enquiry was made and thereafter, Corporation has cancelled allotment of shop to the petitioner without giving opportunity of hearing.
3. Learned counsel for the Corporation submits that action was taken on the report of Tahsildar forwarded to the Corporation through the Collector and on his recommendation.

Whatever may be the reason behind cancellation of allotment, principles of natural justice obliged the respondent / Corporation to first issue a show cause notice to the petitioner, obtain his reply and then pass appropriate orders after due consideration of reply of the petitioner. The impugned action and order is vitiated on this sole ground.

4. The impugned order dated 02/09/15 (Annexure P/1) is set aside. The Corporation may issue show cause notice to the petitioner. Atleast three weeks time shall be granted to the petitioner to file his reply and thereafter, it would be open for the Corporation to take appropriate steps after due consideration of his reply.

5. The petition is accordingly allowed.

Sd/-

Manindra Mohan Shrivastava

J U D G E