

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1878 of 2015

Smt. Anita Toppo W/o Shri Anup Kumar Toppo, Aged About 31 Years R/o Village Dingapur, Korba, Tehsil & Distt. Korba (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Urban Administration Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, Distt. Raipur (Chhattisgarh)
2. Commissioner, Nagar Palik Nigam, Korba, Distt. Korba (Chhattisgarh)
3. Estate Officer, Nagar Palik Nigam, Korba, Distt. Korba (Chhattisgarh)
4. Collector, Korba, Distt. Korba (Chhattisgarh)
5. Tehsildar, Korba, Distt. Korba (Chhattisgarh)
6. Ku. Dipti Singh, Shop No. 9 & 11, Mahila Samridhhi Yozna Complex, Near Tehsil Office, Korba (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Sanjay Patel, Advocate
For respondent/ Corporation	:	Shri Pankaj Agrawal, Advocate
For State	:	Ms. Sunita Jain, Panel Lawyer

Order On Board

16/10/2015

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 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)
Judge