

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 470 of 2016**

Smt. Chinkali Kori Wd/o. Late Goverdhan Kori, Aged About 55 Years R/o. Nutan Chowk, Sarkanda, Police Station And Post Sarkanda, Civil And Revenue District Bilaspur (Chhattisgarh)

---- Appellant**Versus**

1. State of Chhattisgarh Through : Secretary, Urban Administration Development Department, Mahanadi Bhawan, Mantralaya, Capital Complex, Naya Raipur, District Raipur (Chhattisgarh)
2. Commissioner, Municipal Corporation, Bilaspur, Police Station Civil Lines, Civil & Revenue District Bilaspur (Chhattisgarh)
3. Municipal Corporation, Bilaspur, Through : Its Commissioner, Municipal Corporation, Bilaspur, Police Station Civil Lines, Civil & Revenue District Bilaspur (Chhattisgarh)
4. Union Of India, Through Secretary, Ministry Of Housing And Urban Property Alleviation, New Delhi, India.

---- Respondents

For Appellant : Shri Manoj Paranjpe, Advocate.
 For Respondent/State : Shri A.S. Kachhawaha, Additional Advocate General.
 For Respondent No.4 : Shri Raj Kumar Gupta, Standing Counsel.

Hon'ble Shri Deepak Gupta, Chief Justice
Hon'ble Shri P. Sam Koshy, J.

Judgment on Board**Per Deepak Gupta, Chief Justice****29/06/2016**

1. Learned Counsel for the parties submit that this matter is squarely covered by the judgment delivered by a Division Bench of this Court in Writ Appeal No.285 of 2016 on 27.6.2016. The operative portion of the said judgment reads as follows:

"7. We are inclined to agree with the writ appellants only to the limited extent that if the houses available for the residential purposes near Nutan Chowk or any nearby area, then the Municipal Corporation, Bilaspur should make an attempt to accommodate them. However, we cannot give any direction that the writ appellants

be accommodated at a place of their choice. We find that there are 8 alternative locations i.e. Imlibhata, Vijyapuram, Palm Enclave near Science College, Nehru Nagar near Dabripara Science College, Ashok Nagar, Radhika Vihar, Phase-2 and Harshrinagar, in which number of houses are lying vacant and the writ appellants can be accommodated therein. We have also found that some of the writ appellants have shifted. If any appellants have shifted to the accommodation given to them by the Municipal Corporation, then they cannot file any application for change of the premises. If any of the writ appellants have not occupied any house in the above-stated area, then those writ appellants alone can file application that they be allotted the houses in particular Colony and the Municipal Corporation, Bilaspur shall make efforts to give accommodation in the places of their choices. However, in case more number of writ appellants apply for one area than the houses available, then the Municipal Corporation, Bilaspur shall make allotment by draw of lots.

8. We make it clear that the priority should be given to those persons who have not approached the Court challenging the action on the part of Municipal Corporation and the State Government and thereafter the claim of the appellants shall be considered."

2. This writ appeal is also disposed in terms of order passed in Writ Appeal No.285 of 2016.

Sd/-
(Deepak Gupta)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE