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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 256 of 2016**

Manohar Jethani S/o Late Dr. Varialdas Jethani, Aged About 45 Years R/o Baside Kohinoor Hotel, Amardeep Talkies Road, Bans- Tal, Raipur, P. O. Raipur Main, P.S. Gol Bazar, Tahsil Raipur, Civil & Revenue District Raipur, Chhattisgarh, Pin 492001. Presently Residing At Ward No. 36, Shikshak Colony, New Kursipar Bhilai, P.O. New Khursipar Bhilai, P.S. New Kursipar, Civil & Revenue District Durg, Chhattisgarh, Pin 490011

---- Appellant

Versus

1. State Of Chhattisgarh Through: The Secretary, Town Administration And Development Department, Mantralaya, New Secretariat, Mahanadi Gate, Raipur, P.O. Raipur Main, P.S. Mana, Tahsil: Raipur, Civil & Revenue District Raipur, Chhattisgarh, Pin 492001
2. The Municipal Corporation, Through Commissioner, Bhilai Supela, P.O. Supela Bhilai, P.S. Supela Bhilai, Tahsil Durg, Civil & Revenue District Durg, Chhattisgarh, Pin 490023

---- Respondents

For Appellant :	Mr. Y.C. Sharma, Advocate
For State/Respondent No.1:	Mr. Yashwant Singh Thakur, Dy. Advocate General
For Respondent No. 2:	Mr. H.B. Agrawal, Sr. Advocate along with Ms. Nand Kumar Kashyap, Advocate

Hon'ble The Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Judgment On Board**Per Deepak Gupta, Chief Justice.****23.06.2016**

1. This Writ Appeal has been preferred against the order delivered by a learned Single Judge of this Court on 29.10.2015 in Writ Petition (C) 1920/2015 wherein the Writ Petitioner filed by the Petitioner was dismissed in limine.
2. Briefly stated the facts of the case are that the Petitioner had earlier filed

another Writ Petition numbered as Writ Petition (C) No. 3334 of 2009 which was heard and decided along with many other Writ Petitions where the main prayer of the Writ Petitioner was that a Writ of Mandamus be issued against the Municipal Corporation, Bhilai directing it to allot residential/commercial plots to them on the basis of first come first served basis. The allegation of the Petitioner was that previously the area of Durg and Bhilai were being administered by the Special Area Development Authority (SADA) which had floated a scheme for allotment of plot on first come first served basis. The Petitioner in the case had also applied for the plots and it is not in dispute that thereafter the Municipal Corporation, Bhilai was established for looking after the area falling within the jurisdiction of the erstwhile SADA. As per the rules and regulations of the Corporation the property of the Corporation can only be transferred on the basis of auction/tender to the highest bidder. The Petitioner's case was that since they had applied to SADA an exception be made in this regard and he should be given allotment on preferential basis. A learned Single Judge of this Court vide detailed judgment rejected the Petition on 28.02.2012. Aggrieved with the said order the Petitioner filed Writ Appeal No 279 of 2012. This appeal was disposed along with other appeals by a common judgment on 02.05.2012. The Appellate Division Bench did not interfere with the finding given by the learned Single Judge but had made certain observations in Para 16 of the Judgment which read as follows:

“16. However before parting with the case, we wish to observe that the ban imposed on implementation of the Scheme by the State can not remain in force for an indefinite period and hence we hope that the State will consider expeditiously as to whether such ban for implementation of the Yojana should be continued any more or whether it should be lifted so that it is put to implementation for public at large. Let a considered decision be taken in this regard for the benefit of public at large at an early date by the State and its agencies responsible for ensuring implementation of the Yojna.”

3. We have now been informed that in fact the State had lifted the ban on the Scheme even prior to the passing of judgment and thereafter whether the ban has been re-imposed or not has not been brought to the notice of this Court by any party.
4. Thereafter, the Petitioner filed another Writ Petition bearing number Writ Petition (C) No. 994 of 2015 virtually claiming the same relief. This Petition along with other Petitions was dismissed by a common judgment on the ground that since the Division Bench has already passed a detailed order and has already given certain observations, the remedy with the Petitioner, if any, should be to initiate action to implement the order in accordance with law and not to file fresh Writ Petition.
5. Against the said judgment the Petitioner filed Writ Appeal No. 210/2015 and this appeal was withdrawn after some arguments were heard with liberty to pursue departmental remedies. After this Writ Appeal got decided on 07.04.2015, the Petitioner filed an application for allotment of plot to the Municipal Corporation on 24.06.2015. Thereafter, the Petitioner filed Writ Petition No. 1920/2015 which was dismissed vide impugned order dated 29.10.2015. Thereafter the Petitioner filed the present Writ Appeal against the dismissal of the Writ Petition. In this Writ Appeal the Petitioner has sought for following relief:

“10.1 The Hon'ble Court may be pleased be kind enough in giving direction to Respondents to compliance with the administrative decision (Annexure P-18 & 19) dated 10/09/09 & 30/10/09.
....”

6. There is no merit in the other grounds raised by the Appellant. The only relief that can be granted is the application dated 24.06.2015 be decided expeditiously. It is for the Municipal Corporation to decide whether to accept or reject the application. Some order must be passed on the same. The Municipal Corporation is therefore directed to dispose of the application of the Petitioner

within 2 months from today.

7. We make it clear that we have not expressed any opinion on merits. It is for the Municipal Corporation to decide the same. We further make it clear that we will not entertain any new petition against the order passed by the Municipal Corporation.
8. The Writ Appeal is disposed of in the aforesaid terms.

**Sd/-
(Deepak Gupta)
Chief Justice**

**Sd/-
(P. Sam Koshy)
Judge**