

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 434 of 2016**

Smt. Kunti Bai Namdev W/o Ram Kumar Namdev, Aged About 38 Years R/o Village Dabripara Chatidih Police Staiton Sarkanda, Distirct Bilaspur Chhattisgarh

---- Appellant**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Municipal Corporation, New Mantralaya, Mahanadi Bhawan, Naya Raipur, Distirct Raipur Chhattisgarh
2. The Commissioner, Municipal Corporation Bilaspur, District Bilaspur Chhattisgarh

-----Respondents**Writ Appeal No. 450 of 2016**

Kusum Jaiswal D/o Hinch Ram Jaiswal, Aged About 38 Years R/o Vilalge Dabripara Chatidih, Police Staiton Sarkanda, District Bilaspur Chhattisgarh

---- Appellant**Versus**

- 1.State Of Chhattisgarh Through The Secretary, Department Of Municipal Corporation, New Mantralaya, Mahanadi Bhawan, Naya Raipur, Distirct Raipur Chhattisgarh
2. The Commissioner, Municipal Corporation Bilaspur, District Bilaspur Chhattisgarh

Writ Appeal No. 451 of 2016

Fekin Jaiswal W/o Hinch Ram Jaiswal, Aged About 60 Years R/o Village Dabripara Chatidih, Police Staiton Sarkand, Distirct Bilaspur Chhattisgarh

---- Appellant**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Municipal Corporation, New Mantralaya, Mahanadi Bhawan, Naya Raipur, Distirct Raipur Chhattisgarh
2. The Commissioner, Municipal Corporation Bilaspur, District Bilaspur Chhattisgarh

Writ Appeal No. 452 of 2016

Bharatlal Sharma S/o Tribhuwanlal Sharma, Aged About 76 Years R/o Village Dabripara Chatidih, Police Staiton Sarkand, Distirct Bilaspur Chhattisgarh

---- Appellant**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Municipal Corporation, New Mantralaya, Mahanadi Bhawan, Naya Raipur, Distirct

Raipur Chhattisgarh

2. The Commissioner, Municipal Corporation Bilaspur, District Bilaspur Chhattisgarh

Writ Appeal No. 453 of 2016

Ganesh Ram Prajapati S/o Shri Shyamlal Prajapati, Aged About 44 Years R/o Village Dabripara Chatidih, Police Staiton Sarkand, Distirct Bilaspur Chhattisgarh

---- Appellant

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Municipal Corporation, New Mantralaya, Mahanadi Bhawan, Naya Raipur, Distirct Raipur Chhattisgarh

2. The Commissioner, Municipal Corporation Bilaspur, District Bilaspur Chhattisgarh

Writ Appeal No. 455 of 2016

Shakun Vastrakar W/o Ved Prakash, Aged About 46 Years R/o Village Dabripara Chatidih, Police Staiton Sarkand, Distirct Bilaspur Chhattisgarh

---- Appellant

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Municipal Corporation, New Mantralaya, Mahanadi Bhawan, Naya Raipur, Distirct Raipur Chhattisgarh

2. The Commissioner, Municipal Corporation Bilaspur, District Bilaspur Chhattisgarh

For Appellants:

For Respondent No.1/State:

For Respondent No.2:

Shri SK. Agrawal, Advocate.

Shri Prafull N. Bharat, Additional Advocate General.

Shri HB Agrawal, Senior Advocate along with Shri Pankaj Agrawal, Advocate.

Hon'ble The Chief Justice

Hon'ble Shri Justice P. Sam Koshy

Order on Board

Per Deepak Gupta, Chief Justice

22/09/2016

1. All these appeals are being disposed of by a common judgment.

2. We are clearly of the view that these Writ Appeals are not maintainable because of the reason that the Writ Petitions have been disposed of on the

basis of the statement made by learned Counsel for the Writ Petitioners. Paragraph -1 of the judgment passed in the batch of the Writ Petitions reads as follows:-

“1. Learned counsel for the petitioners would submit that if the allotment of houses under the I.H.S.D.P Scheme is made, the petitioners are ready to vacate the premises and remove encroachment within 15 days.”

This clearly shows that learned Counsel for the Writ Petitioners had submitted that if the Writ Petitioners are allotted houses in the I.H.S.D.P. Scheme, then they are ready and willing to vacate the premises in question and remove the encroachments, if any within 15 days. The judgment was passed on the basis of the statement. Taking into consideration the statement made by learned Counsel for the Writ Petitioners, we are not permitting him now to resile from the same.

3. At this stage, learned Counsel for the Appellants herein submits that he may be permitted to withdraw this Appeal with liberty to file a Review Petition. We are not granting any such liberty to learned Counsel for the Appellant because we cannot permit any Counsel to withdraw his statement either in the Writ Petition or before us. If learned Counsel has made a statement, then he has to stick to the same.

4. In view of above, the Writ Appeals are dismissed.

Sd/-
(Deepak Gupta)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE