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HIGH COURT OF CHHATTISGARH, BILASPUR**WPT No. 118 of 2016**

Bhatkhande Lalitkala Shiksha Samiti Rang Mandir, Chhota Para, Raipur
Chhattisgarh Through Its Secretary, Srhi N.G. Roy S/o Gaganchandra
Roy Aged About 82 Years R 31 Navjeevan Society Pachpedinaka P.S.
Phachpedi Naka Raipur Chhattisgarh ----- **Petitioner**

Versus

1. State Of Chhattisgarh Through Its Secretary Of Department Of Urban
Administraton And Development, Mahandi Bhawan, Mantralaya, Naya
Raipur Chhattisgarh
2. Director, Of Urban Administration And Development Department,
Mahandi Bawan, Mantralaya Naya Raipur Chhattisgarh
3. Municipal Corporation Raipur, Through The Commissioner Opp General
Post Office Purana Mukhyalaya, Jaisthambh Chowk Raipur Chhattisgarh
4. Zone Commissioner Municipal Coropration Zone No 7 Of Municipal
Corporation Raipur, Opp. General Post Office Purana Mukhyalaya,
Jaisthambh Chowk Raipur Chhattisgarh
5. Assistant Revenue Officer Of Municipal Corporaiton, Zone No 7 Of
Municipal Corporation Raipur, Opp. General Post Office Purana
Mukhyalaya, Jaisthambh Chowk Raipur Chhattisgarh ----- **Respondents**

For Petitioner	:	Shri Anand Mohan Tiwari, Advocate.
For Respondent No.1 & 2	:	Shri P.K.Bhaduri, GA
For Respondent No.3 to 5	:	Shri Pankaj Agrawal, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****31/08/2016**

On the strength of law laid down by the Division Bench of this Court in
W.A.No.347 of 2014 (*Bharat Aluminium Company Captive Power Plant v.
Municipal Corporation, Korba and anr. & other connected matters*, passed on
14.08.2014), it is argued that the Municipal Corporation, Raipur, should have
issued notice to the petitioner before making re-assessment. It is further argued

that since such notice was not issued, there is violation of principles of natural justice, therefore, the writ petition is maintainable.

2. Shri Pankaj Agrawal, learned counsel for respondent – Municipal Corporation would submit that order impugned has been passed pursuant to the direction issued by this Court in WPT No. 99 of 2015.

3. After hearing learned counsel for the parties, it appears, separate notice before assessment was not issued to the petitioner according to Sections 142, 143 sub-section (2), 146 and 147 of the Chhattisgarh Municipal Corporation Act (for short 'the Act'), therefore, the order passed by the Division Bench in the matter of *Bharat Aluminium Company Captive Power Plant v. Municipal Corporation, Korba and anr. & other connected matters* (supra) would squarely apply in the present case also.

4. In view of the above, the impugned order is set aside and the matter is remitted back to the Municipal Corporation, Raipur with the following directions :-

- ➔ The Municipal Corporation shall issue statutory notice to the petitioner before making re-assessment, within a period of 15 days from today.
- ➔ The petitioner shall thereafter file reply/objection within next 15 days.
- ➔ The Municipal Corporation shall pass final order of re-assessment within next two weeks.

5. If the order of Municipal Corporation goes against the petitioner, it may prefer an appeal before the Appellate Authority in accordance with law.

6. The writ petition stands allowed in terms of the order passed in para 4 above.

Sd/-
Judge
(Prashant Kumar Mishra)