

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 2376 of 2016**

Dr. Smt. Prachi Arora W/o Dr. G.K. Arora, Aged About 43 Years R/o
Gayatri Mandir Kadambari Nagar, Durg Tahsil & District Durg
Chhattisgarh

---- **Petitioner****Versus**

1. State Of Chhattisgarh Through The Secretary, Urban Administration
And Development, Department, Mahandi Bhawan, Mantralaya New
Raipur Chhattisgarh
2. The Municipal Corporation, Durg Through The Commissioner
Municipal Corporation Durg Tahsil & District Durg Chhattisgarh
3. The Collector, Durg, Tahsil & District Durg Chhattisgarh
4. The Revenue Officer, Municipal Corporation Durg, Tahsil & District
Durg Chhattisgarh
5. The Appellate Committee, Municipal Corporation Durg Through The
President Municipal Corporation Durg District Durg Chhattisgarh
6. The Mayor In Council, Municipal Corporation Durg District Durg
Chhattisgarh

---- **Respondents**

For Petitioner	: Shri Goutam Khetrapal, Advocate
For Respondent/State	: Shri A.S. Kachhawaha, Additional Advocate General

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

Order on Board**Per Deepak Gupta, Chief Justice****22/09/2016**

1. By means of this writ petition, the Petitioner has prayed that this
Court may issue an appropriate writ order directing the notice Annexure
P/1 whereby the Municipal Corporation, Durg has invited offers for
allotment of various shops including shops No.9 and 10.

2. Previously auction of the said shops was held in the year 2012. The Petitioner was the highest bidder but her bid was rejected. The Petitioner aggrieved by the rejection of the bid, had filed Writ Petition No.2028 of 2012 in this Court. That writ petition was disposed of in view of the fact that the Petitioner had also filed an appeal under Section 403 of the Chhattisgarh Municipal Corporation Act, 1956. The appeal has been rejected vide order dated 13.10.2015 on the ground that no such appeal is maintainable. That order has not been challenged till date and now the Petitioner challenges the fresh advertisement and the main ground raised by the Petitioner is that since the value of the property is more than Rs.10 Lacs and no such property can be alienated or disposed of by the Municipal Corporation without prior permission of the State Government. Merely by issuing notice inviting bids, the property has not been transferred. After the bids are considered and before the lease is entered into, in case approval of the State Government is required, the Municipal Corporation will follow the act and take approval of the concerned authority.

3. However, this is no ground to cancel the notice inviting bids. We therefore reject the writ petition but liberty is reserved to the Petitioner to take part in the fresh tender process. If any earnest money with regard to previous bid is lying with the Municipal Corporation that can be adjusted against the earnest money to be deposited against the fresh bid.

Sd/-
(Deepak Gupta)
Chief Justice

Sd/-
(P. Sam Koshy)
Judge