

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (C) No.2956 of 2008

Rajeev Grih Nirman Sahakari Samati Maryadit, Katora Talab, Raipur, a Society registered under the Chhattisgarh Co-operative Societies Act, through its President Shri Jawahar Lal Salamatani.

---- Petitioner

Versus

1. State of Chhattisgarh, through its Secretary, Department of Co-operative Societies, DKS Bhawan, Mantralaya, Raipur (CG).
2. Municipal Corporation, Raipur, through its Commissioner.
3. Commissioner, Municipal Corporation, Raipur (CG).

--- Respondents

For Petitioner	:	Mr. Ashish Shrivastava, Advocate
For State/Resp.No.1:		Mr. Arun Sao, Deputy Advocate General
For Respondents No.2&3:		Mr.H.B. Agrawal, Sr. Advocate with Mr. Pankaj Agrawal, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

21/11/2017

(1) Learned counsel appearing for the petitioner would submit that impugned order dated 30.05.2008 has been passed by respondent No.3- Commissioner, Municipal Corporation, Raipur by which respondent No.3 had forfeited 17000 sq.ft land of the petitioner's society on the ground that the internal development of the colony was not initiated and completed, whereas the internal development work has already been completed by the petitioner society for which the petitioner has already made application to the respondent authorities on 17.07.1995, but the said application is pending consideration till now; and without hearing and without giving proper opportunity to the petitioner, the impugned order has been passed by the respondent authorities, therefore, the impugned order deserves to be set aside.

(2) On the other hand, learned counsel appearing for respondents No.2&3 would submit that the petitioner's application will be considered

and decided by the respondent authorities, expeditiously.

(3) It appears from the record that the petitioner's application has not been considered and decided by the respondent authorities till now and no proper opportunity of hearing was given to the petitioner to satisfy the respondent authorities that internal development work has already been completed, therefore, on the basis of above analysis and in the interest of justice, the impugned order deserves to be set aside. Accordingly, the impugned order is hereby set aside and matter is remitted back to the Municipal Corporation, Raipur to consider and decide the petitioner's above-stated application afresh after giving proper opportunity of hearing to the petitioner. However, the petitioner is at liberty to file additional documents, if any in support of his case.

(4) With the aforesaid observation, the writ petition stands finally disposed of. No order as to costs.

Sd/-

(Sanjay K. Agrawal)
Judge

L/-