

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (C) No.2605 of 2010

Raj Kumar, S/o Shri Leelaram Jadhvani, aged about 40 years,
Owner Shop No.19, Vijeta Complex, Shastri Bazar, District Raipur
(CG).

---- Petitioner

Versus

1. State of Chhattisgarh through the Secretary, Department of Excise,
DKS Bhawan, Raipur, District Raipur (CG).
2. The Municipal Corporation, Raipur through its Commissioner,
Raipur, District Raipur (CG).
3. District Collector (Excise), Raipur, District Raipur (CG).
4. Committee of Appeal, Municipal Corporation, Raipur, District Raipur
(CG).
5. Ashok Singh, S/o Shri Gaya Singh, aged about 43 years,
Occupation License Malviya Road Samooh No.09, Shop No.19,
Vijeta Complex, Shastri Bazar, Raipur District Raipur R/o 16/3940,
Near Kalika Hotel Janjgir Champa, District Janjgir-Champa (CG).

--- Respondents

For Petitioner	: Mr. Saurabh Dangi, Advocate
For State/Resp. No.1&3	: Mr. Dhiraj Wankhede, Govt. Advocate
For Respondents No.2& 4	: Mr. Pankaj Agrawal, Advocate

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

09/11/2017

(1) Learned counsel appearing for the petitioner would submit that Shop No.19 situated at Vijeta Complex, Shastri Bazar, Raipur was allotted to the petitioner, which has been cancelled by the respondent No.2 vide order dated 01.04.2010 without noticing and without giving any opportunity of hearing to him and, therefore, impugned order is liable to be set aside.

(2) Learned counsel appearing for the respondents No.2 & 4 would submit that the petitioner was served with notice on 20.03.2010

to appear before the Municipal Corporation, Raipur on 22.03.2010. On that date, he appeared before the Municipal Corporation, he was given warning to run the shop himself after 31st March, 2010 and he will not sublet the shop to another person otherwise the allotment of shop may be cancelled.

(3) I have heard learned counsel for the parties.

(4) A careful perusal of the order dated 22.03.2010 passed by Municipal Corporation, Raipur, it would show that the petitioner was given warning to run the suit shop himself and he will not sublet the shop to another person after 31st March, 2010, but it appears that on 01.04.2010 the allotment of shop in question has been cancelled and, as such, no proper opportunity was provided to the petitioner before cancelling the said shop and lease could not have been revoked without giving notice and without affording of hearing to the petitioner, therefore, in the interest of justice it would be expedient to set aside orders dated 01.04.2010 and 31.05.2010. Accordingly, the orders dated 01.04.2010 and 31.05.2010 are hereby set aside and matter is remitted back to the Municipal Corporation, Raipur to hear and dispose of the appeal afresh after hearing the parties, in accordance with law expeditiously preferably within a period of 45 days from the date of receipt of certified copy of this order.

(5) With the aforesaid observation, the writ petition stands finally disposed of.

Sd/-

(Sanjay K. Agrawal)
Judge

L/-