

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No.460 of 2016**

Kunjilal @ Kunjram Ahirwar, S/o Parma Ahirwar, aged about 50 years, R/o Ganga Nagar, Tahsil and District Kawardha (CG)

---- Petitioner

Versus

1. State of Chhattisgarh Through the Secretary, Urban Development Department, Mahanadi Bhawan, Naya Raipur, District Raipur (CG)
2. Collector, Kawardha, District Kabirdham (CG)
3. Chief Municipal Officer, Municipal Council, Kawardha, District Kabirdham (CG)
4. Municipal Council, Kawardha, through its President, Municipal Council, Kawardha, District Kabirdham (CG)
5. Sub Divisional Officer (Revenue), Kawardha, District Kabirdham (CG)

---- Respondents

WPC No.487 of 2016

Rajesh Tamboli, son of Late Shri Dhaniram Tamboli, aged about 40 years, resident of Union Chowk Kawardha, District Kabirdham (CG)

---- Petitioner

Versus

1. State of Chhattisgarh Through the Secretary, Urban Development Department, Mahanadi Bhawan, Naya Raipur, District Raipur (CG)
2. Collector, Kawardha, District Kabirdham (CG)
3. Chief Municipal Officer, Municipal Council, Kawardha, District Kabirdham (CG)
4. Municipal Council, Kawardha, through its President, Municipal Council, Kawardha, District Kabirdham (CG)
5. Sub Divisional Officer (Revenue), Kawardha, District Kabirdham (CG)

---- Respondents

WPC No.1219 of 2016

Smt. Geeta Tamboli W/o late Shri Dhaniram Tamboli, aged about 56 years, resident of Union Chowk Kawardha, District Kabirdham (CG)

---- Petitioner

Versus

1. State of Chhattisgarh Through the Secretary, Urban Development Department, Mahanadi Bhawan, Naya Raipur, District Raipur (CG)
2. Collector, Kawardha, District Kabirdham (CG)
3. Chief Municipal Officer, Municipal Council, Kawardha, District Kabirdham (CG)
4. Municipal Council, Kawardha, through its President, Municipal

Council, Kawardha, District Kabirdham (CG)

5. Sub Divisional Officer (Revenue), Kawardha, District Kabirdham (CG)

---- Respondents

And

WPC No.1945 of 2016

Dhruv Kumar Gupta, Son of Sudama Gupta, aged about 60 years, Occupation – Grocery Shop Keeper, R/o Gupta Mohalla, Kawardha, Police Station Kawardha, District Kabirdham (CG)

---- Petitioner

Versus

1. State of Chhattisgarh Through the Secretary, Urban Development Department, Mahanadi Bhawan, Naya Raipur, District Raipur (CG)
2. Collector, Kawardha, District Kabirdham (CG)
3. Chief Municipal Officer, Municipal Council, Kawardha, District Kabirdham (CG)
4. Municipal Council, Kawardha, through its President, Municipal Council, Kawardha, District Kabirdham (CG)
5. Sub Divisional Officer (Revenue), Kawardha, District Kabirdham (CG)
6. Vijay Sharma, son of Ghanshyam Sharma, Sadak Kinare, Naveen Bazar Kiran Shop, Shop No.23, Kawardha, District Kabirdham (CG)
7. Pawan Kedia, son of Laxmi Narayan Kedia, Ambika Traders Shop No.24, Naveen Bazar, Kawardha, District Kabirdham (CG)
8. Melaram, S/o Khoorbahara Sahu, Ronak Cloth Store Shop No. 25, Naveen Bazar, Kawardha, District Kabirdham (Chhattisgarh)
9. Smt. Anita Gupta, W/o Santosh Gupta, Vansh Mens Wear Shop No. 26, Naveen Bazar, Kawardha, District Kabirdham (Chhattisgarh)
10. Smt. Sita Patel, W/o Ghasiram Patel, Maa Saakambhari Krishi Kendra, Near Gandhi Maidaan, Shop No. 27, Naveen Bazar, Kawardha, District Kabirdham (Chhattisgarh)
11. Pawan Gupta, S/o Laxminath Gupta, Pawan Kirana, Shop No. 28, Naveen Bazar, Kawardha, District Kabirdham (Chhattisgarh)
12. Mukesh Jaiswal, S/o Narayan Jaiswal, Bombay Society, Shop No. 29, Naveen Bazar, Kawardha, District Kabirdham (Chhattisgarh)
13. Manendra Singh Gumber, S/o Hargovind Gumber, Shop No. 30, Dayalband Bilaspur Liquor Contractor
14. Bala Gupta, S/o Kedar Gupta, Balaji Aaaj Bhandar, Shop No. 31, Naveen Bazar, Kawardha, District Kabirdham (Chhattisgarh)
15. Smt. Preeti Tamboli, W/o Rakesh Tamboli, Pooja Ice

Factory, Union Chow, Shop No. 23, Naveen Bazar, Kawardha, District Kabirdham (Chhattisgarh)

- 16.** Kumari Bai, W/o Rajendra Jaiswal, Nandani General Store, Shop No. 33, Naveen Bazar, Kawardha, District Kabirdham (Chhattisgarh)
- 17.** Ramesh Kumar Jhariya, S/o Punuram Jhariya, Jhoha, Churki, Tokari Shop, Shop No. 34, Naveen Bazar, Kawardha, District Kabirdham, (Chhattisgarh)
- 18.** Kunjal God, Shop No. 35, Naveen Bazar, Kawardha, District Kabirdham, (Chhattisgarh)
- 19.** Sanjay Lanjhi, S/o Ramji Lanjhi, Ravidas Nagar, Shop No. 36, Naveen Bazar, Kawardha, District Kabirdham, (Chhattisgarh)
- 20.** Rajkumar Chandrawanshi, S/o Balram Chandrawanshi, Sharda Kirana Bus Stand, Shop No. 39, Naveen Bazar, Kawardha, District Kabirdham (Chhattisgarh)
- 21.** Smt. Neelam Khurana, W/o Surjeet Khurana, Simran Electrical Aazad Chowk, Shop No. 40, Naveen Bazar, Kawardha, District Kabirdham (Chhattisgarh)
- 22.** Melaram Dhruv, S/o Mohan Dhruv, Nandani General Store, Shop No. 41, Naveen Bazar, Kawardha, District Kabirdham, (Chhattisgarh)
- 23.** Ramprasad Baghel, Latel Baghel, Pawan Kirana, Shop No. 42, Naveen Bazar, Kawardha, District Kabirdham, (Chhattisgarh)
- 24.** Bodhi Prakash, Shop No. 43, Naveen Bazar, Kawardha, District Kabirdham (Chhattisgarh)
- 25.** Rajendra Singh Gumber, S/o Hargovind Singh, Dayalband Bilaspur, Liquor Contractor, Shop No. 44, Naveen Bazar, Kawardha, District Kabirdham (Chhattisgarh)

---- Respondents

For Petitioners	:	Mr.P.P.Sahu, Advocate
For Res.No.1, 2 and 5	:	Mr.Gary Mukhopadhyay, Dy.G.A.
For Res.No.3 and 4	:	Mr.R.S.Baghel, Mr.Adi Raj Surana and Mr.Surendra Dewangan, Advocates

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

7/7/2017

- 1.** Since common question of law and facts are involved in these writ petitions, they are heard together and being disposed of by this common order.

- 2.** Mr.P.P.Sahu, learned counsel for the petitioners would submit that the Municipal Council, Kawardha has constructed new shopping complex in the name of Naveen Bazaar on the lease lands allotted to the petitioners, but after construction of the said complex, shops have not been allotted to the petitioners and it has been allotted in favour of private respondents without following the due procedure. He would further submit that action has been challenged in WPC No.1945 of 2016.
- 3.** On the other hand, Mr.R.S.Baghel, Mr.Adi Raj Surana and Mr.Surendra Dewangan, learned counsel for respondents No.3 and 4 would submit that allotment is being made strictly in accordance with law.
- 4.** I have heard learned counsel for the parties, considered their rival submissions made hereinabove and also gone through the record with utmost circumspection.
- 5.** Since the matter is pending consideration and no final decision has been taken, respondent No.2/Collector, Kawardha shall consider and look into the grievances of the petitioners, Municipal Council, Kawardha, private respondents and affected parties, if any and after hearing the parties pass appropriate order as early as possible preferably within a period of two months from the date of receipt/production of copy of this order. The Collector, Kawardha shall also look into the plea raised by the petitioners hereinabove with regard to auction. The petitioners are at liberty to make fresh

representations, if any.

- 6.** With the aforesaid observation, the writ petitions finally stand disposed of. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)

Judge

B/-