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HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 301 of 2012**

1. Smt.Amrit Kaur W/o Shri Surendra Singh Gumber, Aged About 50 Years Old High Court, Bilaspur (Chhattisgarh).
2. Rajendra Singh Chawla S/o Late Harbajan Singh Chawla, Aged About 50 Years R/o Behind Career Point, Dayalbandh Bilaspur Chhattisgarh
3. Jogendra Singh Chawla S/o Late Harbajan Singh Chawla, Aged About 46 Years R/o Behind Career Point, Dayalband Bilaspur Chhattisgarh
4. Shriram Gandhi S/o Shri Bhagat Ram Gandhi, Aged About 52 Years Opp. Of Bank Of India Dayalbandh Bilaspur Chhattisgarh

---- Appellants**Versus**

1. Municipal Corporation, Bilaspur, Through The Commissioner, Tahsil & District Bilaspur (Chhattisgarh).
2. Mahendralal Saluja S/o Budh Singh Saluja, Aged About 65 Years R/o Infront Of Dr. Ghaosh Clinic Tikrapara Main Road Bilaspur Chhattisgarh
3. Durga Prasad Kacchi (Kashyap) S/o Shrikrishna Kachhi Aged About 78 Years R/o Near Bus Stand Shiv Talkies Road Bilaspur Chhattisgarh
4. State Of Chhattisgarh, Through The Secretary, Urban Administration Mantralaya Naya Raipur, Chhattisgarh.

---- Respondents**And****MCC No. 119 Of 2015**

1. Smt. Amrit Kaur W/o Shri Surinder Singh Gumber Aged About 53 Years R/o Near Old High Court Gandhi Chowk Police Station City Kotwali, Bilaspur Civil And Revenue Distt. Bilaspur C.G.
2. Jogendra Singh Chawla S/o Late Shri Harbhajan Singh Chawla aged about 51 years, R/o Dayalband, Bilaspur Chhattisgarh
3. Rajendra Chawla S/o Late Shri Harbhajan Singh Chawla, aged about 52 years, R/o Dayalband, Bilaspur Chhattisgarh

---- Applicants

Vs

1. Mahendralal Saluja S/o Late Shri Budh Singh Saluja, R/o in front of Dr. Ghosh's Clinic, Tikrapara, Main road, Bilaspur C.G.
2. Dr. Vijay Krishna Dixit S/o Shri Krishna Gangadhar Dixit Aged About 46 Years R/o Dixit Clinic, Kududand, Bilaspur C.G.
3. Dr. Prakash Ladikar S/o Shri Sarangdhar Ladikar Aged About 52 Years R/o Rishi Coloy Dayalband, Bilaspur C.G.
4. Durga Prasad Kachhi (Kashyap) S/o Shri Shrikrishna Kachhi Aged About 64 Years R/o Near Old Bus Stand, Shiv Talkies Road, Bilaspur, C.G.
5. Ram Bihore Kachhi (Since Dead) Thr. Lrs
5 . (a) Ram Kishore Kashyap Aged about 40 Years S/o Late Shri Ram Bihore Kachhi
5 . (b) Kedarnath Kashyap Aged about 37 Years S/o Late Shri Ram Bihore Kachhi Both were R/o Beside Satya Automobile, Shiv Talkies Road District Bilaspur Chhattisgarh
6. State Of Chhattisgarh Through The Secretary, Department Of Local Self Administration, Mantralaya Mahanadi Bhawan, Naya Raipur Chhattisgarh.
7. The Secretary Department Of Revenue Mantralaya Mahanadi Bhawan, Naya Raipur C.G.
8. The Secretary Department Of Housing And Environment, Mantralaya Mahanadi Bhawan Naya Raipur, Chhattisgarh
9. The Collector Bilaspur Chhattisgarh
10. The Municipal Corporation Through Its Commissioner, Bilaspur C.G.
11. The Joint Director Town And Country Planning Authority, Bilaspur C.G.
12. Sunil Chhabda S/o Shri R.L. Chhabda Through The Chhabda Corporation In Front Of Anand Hotel, Old Bus Stand Road, Bilaspur, C.G.
13. Anil Chhabda S/o Shri R.L. Chhabda Through The Chhabda Enterprises In Front Of Anand Hotel, Old Bus Stand Road, Bilaspur, C.G.
14. Smt. Neena Devi Ahuja W/o Shri Ashok Ahuja Down Studio Gali, Bilaspur C.G.
15. Ku. Rekha Pande D/o Shri Ram Narayan Pande R/o Gol Bazaar, Bilaspur C.G.
16. Ku. Meena D/o Shri Bhagchand Ji R/o Sarkanda, Bilaspur, Tahsil & Distt. Bilaspur C.G.

17. Prakash Chand, Prakash Cloth Stores, R/o In Front Of Old Dharma Hospital (CIMS) Bilaspur C.G.
18. Mohanlal S/o Shri Laxmandas R/o Sindhi Colony Bilaspur C.G.
19. Smt. Shakira Khan W/o Naim Khan R/o Tikrapara Bilaspur C.G.
20. Ganesh Prasad Ghore (Since Dead) Thr. Lrs. R/o Dayalband Bilaspur C.G.
 20 . (a) Anju Ghore Aged about 45 Years W/o Late Shri Ganesh Prasad Ghore
 20 . (b) Vishal Ghore Aged about 25 Years S/o Late Shri Ganesh Prasad Ghore
 20 . (c) Vaibhav Ghore Aged about 23 Years S/o Late Shri Ganesh Prasad Ghore All are R/o Nariyal Kothi Dayalband District Bilaspur Chhattisgarh
21. Lochan Chawla S/o Late Shri Santosh Singh R/o Rishi Colony, Bilaspur, C.G.
22. Manoharlal Gidwani S/o Shri Bhagwandas Gidwani R/o In Front Of Geeta Hotel, old Bus Stand Bilaspur C.G.
23. Parasnath Rai S/o Shri Kuraon Rai R/o Lalkhandan Bilaspur C.G.
24. Kulwant Gumber S/o Shri Kartar Singh Gumber R/o Dayalband, Near Gurudwara Bilaspur C.G.
25. Shriram Gandhi S/o Shri Bhagatram Aged About 38 Years Cloth Merchant, Budhwari Bazaar, Bilaspur C.G.
26. Jagpal Singh S/o Shri Charan Singh Aged About 32 Years R/o Gondpara Bilaspur C.G.
27. Smt. Kamla Devi Gupta W/o Shri Harkeshwar Gupta R/o Juna Bilaspur Bilaspur C.G.

---- Respondents

And

WA No. 317 Of 2012

- Municipal Corporation Bilaspur, Through Its Commissioner Bilaspur (Chhattisgarh).

---- Appellant

Vs

1. Mahendralal Saluja, S/o Budh Singh Saluja, Aged About 65 Years, R/o Infront of Dr. Ghosh Clinic, Tikrapara, Main Road, Bilaspur (Chhattisgarh).
2. Durga Prasad Kacchi (Kashyap) S/o Shri Shrikrishna Kachhi R/o Near Bus Stand Shiv Talkies Road Bilaspur Chhattisgarh.

3. State Of Chhattisgarh, Through Its Secretary, Urban Administration Department Mantralaya, Naya Raipur (Chhattisgarh).

---- Respondents

And

WA No. 307 Of 2012

1. Prakash Chand Gurwani, S/o Late Hotumal Gurwani, Aged About 63 Years D A 15, Chandela Vihar, Priyadarshani Nagar, Bilaspur (Chhattisgarh).
2. Shyam Gupta S/o Shri Harkeshwar Prasad Gupta R/o Amrit Jewellers Hatri Chowk Juna, Bilaspur, Distt. Bilaspur Chhattisgarh.

---- Appellants

Vs

1. Municipal Corporation, Bilaspur, Through The Commissioner, Tahsil & District Bilaspur (Chhattisgarh).
2. Mahendralal Saluja S/o Budh Singh Saluja, aged about 65 yeasrs, R/o infront of Dr. Ghosh Clinic, Tikrapara Mani Road Bilaspur Chhattisgarh.
3. Durga Prasad Kacchi (Kashyap) S/o Shri Shrikrishna Kachhi, aged about 78 years, R/o Near Bus Stand Shiv Talkies Road Bilaspur Chhattisgarh.
4. State Of Chhattisgarh, Through Its Secretary, Urban Administration Department Mantralaya, Naya Raipur (Chhattisgarh).

---- Respondents

And

MCC No. 218 Of 2015

- The Municipal Corporation, Bilaspur Through- The Commissioner Bilaspur, Chhattigarh

---- Applicant

Vs

1. Mahendra Singh Saluja, S/o Shri Budh Singh Saluja R/o In Front Of Dr. Ghosh Cilinic Tikrapara, Main Road, Bilaspur, Chhattisgarh
2. Dr. Vijay Krishna Dixit S/o Shri Krishna Gangadhar Dixit Aged About 46 Years R/o Dixit Clinic, Kududand, Bilaspur, Chhattisgarh

3. Dr. Prakash Ladikar S/o Shri Sarangdhar Ladikar Aged About 52 Years R/o Rishi Colony, Dayalbandh, Bilaspur, Chhattisgarh
4. Durga Prasad Kachhi (Kashyap) S/o Shri Shrikrishna Kachhi Aged About 64 Years R/o Near Bus Stand, Shiv Talkies Road, Bilaspur, Chhattisgarh
5. Ram Kishor Kachhi S/o Shri Shrikrishna Kachhi R/o Telipara, Bilaspur, Chhattisgarh
6. State Of Chhattisgarh Through- The Secretary, Department Of Local Self Government, New Mantralaya, Mahanadi Bhawan, Raipur, Chhattisgarh
7. The Secretary Department Of Revenue, Mahanadi Bhawan, New Mantralaya, Raipur, Chhattisgarh
8. The Secretary Department Of Housing Environment, New Mantralaya, Mahanadi Bhawan, Raipur, Chhattisgarh
9. The Collector Bilaspur, Distt.- Bilaspur, Chhattisgarh
10. The Joint Director Department, Town And Country Planning Authority, Bilaspur, Chhattisgarh
11. Sunil Chhabda S/o Shir R.L. Chhabda Through- Chhabda Corporation In Front Of Anand Hotel, New Bus Stand Road, Bilaspur, Chhattisgarh
12. Anil Chhabda S/o Shri R.L. Chhabada Through- Chhabda Enterprises, In Front Of Anand Hotel, New Bus Stand Road, Bilaspur, Chhattisgarh
13. Smt. Neena Devi Ahuja W/o Shri Ashok Ahuja Down Studio Gali, Bilaspur, Chhattisgarh
14. Ku. Rekha Pande D/o Shri Ram Narayan Pande R/o Gol Bazar, Bilaspur, Chhattisgarh
15. Ku. Meena D/o Shri Bhagchandji R/o Sarkanda, tahsil And District Bilaspur, Chhattisgarh
16. Prakash Chand S/o Not Known Prakash R/o Front Of Dharma Hospital, Bilaspur, Chhattisgarh
17. Mnohanlal S/o Shri Laxman Das R/o Sindhi Colony, Bilaspur, Chhattisgarh
18. Smt. Shakira Khan W/o Shri Nain Khan R/o Tikarapara, Bilaspur, Chhattisgarh
19. Rajendra Chawla S/o Shri Harbhajan Singh Chawla R/o Dayalband, Bilaspur, Chhattisgarh
20. Jogendra Singh Chawla S/o Shri Harbhajan Singh Chawla R/o Dyalband, Bilaspur, Chhattisgarh

21. Smt. Amrit Kaur W/o Shri Surinder Singh Gumber R/o Adarsh Nagar Colony, Bilaspur, Chhattisgarh
23. Lachhan Chawla S/o Late Shri Santosh Singh R/o Rishi Colony, Dayalbandh, Bilaspur, Chhattisgarh
24. Mohan Lal Gidwani W/o S/o Shri Bhagwan Das Gidwani R/o In Front Of Geeta Hotel, Bus Stand, Bilaspur, Chhattisgarh
25. Parasnath Rai S/o Shri Kuraan Rai R/o Lalkhadan, Bilaspur, Chhattisgarh
26. Kulwant Gumber S/o Shri Kartar Singh Gumber R/o Dayalband, Near Gurudwara, Bilaspur, Chhattisgarh
27. Shriram Gandhi S/o Shri Bhagatram Aged About 38 Years Cloth Merchant, Budhwari, Bilaspur, Chhattisgarh
28. Jagpal Singh S/o Shri Charan Singh Aged About 32 Years R/o Gondpara, Bilaspur, Chhattisgarh

---- Respondents

For the respective Appellants/Applicants : Shri Kishore Bhaduri, Shri Rajeev Shrivastava, Shri Y.C. Sharma, Shri S.C. Verma and Shri Prateek Sharma, Advocates

For the State : Shri R.K. Gupta, Deputy Advocate General

For the respective respondents : Shri K.A. Aansari, Senior Advocate with Shri R.L. Bajpai, Shri Sunil Otواني, Shri Sourabh Dangi, Shri P.K. Tulsyan, Shri Hari Agrawal, Shri U.K.S. Chandel, Advocates

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice

Hon'ble Shri Sharad Kumar Gupta, Judge

Judgment On Board

Per Thottathil B. Radhakrishnan, Chief Justice

28/07/2017

1. These Writ Appeals and the Miscellaneous Civil Cases are linked together for final hearing, hence they are heard together.
2. Writ Appeal No. 317 of 2012 is by the Municipal Corporation, Bilaspur. Writ Appeals No. 301 of 2012 and 307 of 2012 are by persons whom we will refer hereinafter as the occupants. One of

the captioned MCCs is by the said Municipal Corporation and the other by the appellants in Writ Appeal No. 301/2012.

3. We have heard learned counsel for the appellants in Writ Appeal No. 301 and 307 of 2012, the learned counsel for the Municipal Corporation, which is the appellant in Writ Appeal No. 317 of 2012 and the petitioner in MCC No. 218 of 2015. We have also heard the learned Senior Counsel for the contesting respondents who are the writ petitioners and the learned counsel appearing for the interveners as well as the learned counsel appearing for the State Government after the State of Chhattisgarh through the Secretary Urban Development Department was brought on record as the respondent in the writ appeals, though they were not parties in the writ petition from which these appeals arise.
4. The issues relate to certain structures which are under constructed/half way constructed shop rooms in Khasra No. 488 and 214 aside Shiv Talkies Bus Stand Road between Shyama Prasad Mukharjee Square and Ravindra Nath Tagore square within the limits of the Bilaspur Municipal Corporation.
5. Rather than elaborate on the different pleadings and the graph of this litigation, we deem it appropriate to quote the relevant portion of a comprehensive order minuted by the Division Bench on 18/01/2017. It reads as follows :-

“This litigation has a long and chequered history. Some shops were auctioned/allotted by the Municipal Corporation, Bilaspur in the year 1987. Challenge was made to the said auction/allotment by certain residents of the area. Some filed civil suit while some filed writ petition.

In the civil suit, easmentry right was claimed but the

same was dismissed in default. As far as the first writ petition i.e. Writ Petition No. 2450 of 1987 filed before the High Court of Madhya Pradesh is concerned, a statement was made that the Municipal Corporation would ensure that 80 feet wide road is left open and thereafter it would construct a commercial complex. It was also mentioned that it would obtain a permission of the State Government before constructing the commercial complex. The said writ petition was disposed of on 05.03.1987. Thereafter, another writ petition being Writ Petition No. 1408 of 1998 was filed in the year 1998 in which a claim was made that in the earlier writ petition the width of the road was wrongly shown to be 80 feet and the width of the road was supposed to be 115 feet or 35 meters.

In this writ petition, the Commissioner, Municipal Corporation made a statement that after the State of Chhattisgarh has been formed, a decision had been taken by the higher authorities to beautify the area. Therefore, there was no proposal to construct commercial complex. On the basis of this statement, the aforesaid writ petition was disposed of vide order dated 09.02.2009.

It would be pertinent to mention that the allottees of these shops were parties to both these writ petitions. Thereafter, the allottees filed review petition being Review Petition No. 21 of 2009 before the learned Single Judge against the order dated 09.02.2009 which was rejected on 28.04.2009 but liberty was given to the shop owners/ allottees to raise a dispute with regard to the width of the road.

Thereafter, another writ petition i.e. Writ Petition No. 467 of 2012 was filed out of which the present appeal arises and in this writ petition, it was claimed that the order passed in Writ Petition No. 1408 of 1998 had not been complied with and the learned Single Judge by the impugned judgment dated 02.04.2012 has directed as follows:

"13. In the case in hand the rigor of law would operate more forcefully against Corporation as also against interveners inasmuch as the land on which the shops have been constructed do not belong to interveners. The shops were constructed contrary to the Master Plan and the compensation to be paid by the Corporation to the interveners is on account of the amount which they have deposited before the Corporation at the time of receiving allotment of shops/land on which construction of shops were to be made. Thus, on the analogy of and on applying the law laid down by this Court in the case of Santosh Kumar Mittal (supra) this Court has no hesitation in

holding that non-payment of compensation/refund of amount of lease which the Corporation has earlier received from the interveners would not come in the way of the Corporation in demolishing the shops which are otherwise constructed contrary to the Master Plan.

14. Thus, the writ petition deserves to be and is hereby allowed with the following directions:

(i) The Corporation shall demolish the under constructed/half way constructed shops and other illegal construction situated on Khasra No. 488 and 214 on Shiv Talkies Bus Stand Road between present Shyama Prasad Mukherjee square to Ravindra Nath Ragore Square within a period of two months from today and thereafter shall widen the road.

(ii) The Corporation shall decide representation filed by the interveners and shall refund the amount paid by the allottees within a period of six months. If any of the intervener desires to settle the matter by accepting allotment of land/shop at some other place or in any other manner, the Corporation would be free to reach such agreed settlement.

15. In view of the law laid down by the Hon'ble Supreme Court in the case of Municipal Corporation, Ratlam v. Vardichand & Others (supra), the Municipal Corporation shall raise funds from the State Government, however, demolition of illegal construction and under constructed shops can not be delayed on this count.

16. With the above direction, writ petition stands disposed of."

It would be pertinent to mention that in this writ petition, the allottees of the shops were not made parties. They had filed an intervention application. They have been heard but they were never added as parties and never permitted to file written statement.

Now, the following issues arise before us:

(i) Whether the order passed in first writ petition i.e. Writ Petition No. 2450 of 1987 by the Division Bench of the Madhya Pradesh High Court could be modified or varied in collateral proceedings without filing an application in that very writ petition.

(ii) Whether the shop owners are bound by the statement made by the Commissioner, Municipal Corporation in the second writ petition i.e. Writ Petition No. 1408 of 1998 ?

There is no order of the Court in the second writ petition that the shop owners should be evicted. Even with regard to the width of the road, the Court has clearly held that the parties are free to raise this aspect of the matter before the authorities concerned. These matters have been pending for more than 30 years. Few shops have been constructed and few are half constructed.

There are four Appellants in Writ Appeal No. 301 of 2012, two Appellants in Writ Appeal No. 307 of 2012 and one Intervenor in the Writ Appeal No. 317 of 2012. There are only 7 allottees of the shops who are aggrieved by the judgment of the learned Single Judge and have approached this Court. Others have not come to this Court. Therefore, the judgment qua them has become final.

Therefore, we will only concentrate in respect of these seven persons who are before us and try to work out a via media whereby these seven persons can be adjusted or allowed to keep their shops.

Keeping in view the nature of the dispute involved, we feel that it would be appropriate for this Court to visit the spot itself to see that public order is maintained. 30 years have elapsed and this Court will have to ascertain what are the requirements as on date. Should we permit further construction to go on or not. If further construction is not to go on, how the Petitioners can be adjusted and if so, where.

To appreciate all these factors, it would be appropriate to visit the spot which we shall do on a date to be fixed and communicated to the parties.

It is made clear that we shall not entertain any application on behalf of any of the other allottees of the shops, except the seven who are before us."

6. Though the Bench which minuted the aforesaid order had recorded that the learned Judges would visit the site, that eventually got deferred for various reasons and ultimately, a further order was minuted on 29/06/2017 by the Bench (consisting of the Judges hearing this matter today). It reads, *inter alia*, as follows:-

"We have perused the order dated 18.01.2017 which, *inter alia*, ends with the view of the Bench that it would be

appropriate that the Court visits the spot itself. All issues on facts and law which may be germane for the final disposal and the matter will remain open and in deference to the said view expressed by the Bench at that point of time, we propose to visit the site in question at 5 pm on 06.07.2017 .

None of the parties would have any opportunity to interact with the Judges though, the learned counsel appearing for the parties in these matters, particularly the seven, who have filed the Writ Appeals and intervenors and the learned counsel for the Government and the Municipal Corporation would provide assistance at the site, as may be required. The Registry is also directed to make necessary arrangements for the visit.”

7. After the visit of the site on 07/07/2017, the following was minuted :-

“In terms of the earlier orders, the Judges presiding this Bench had visited the site in question. The Corporation authorities and the Advocates for different parties were present. Since such visit is only for the purpose of familiarising ourselves with the state of affairs in the locality, nothing more is necessary to be recorded.”

8. The learned counsel for the Municipal Corporation in support of Writ Appeal No. 317 of 2012 argued that the learned Single Judge erred in law and on facts in ordering demolition and the entire facts and events were not taken stock of while issuing the impugned direction. According to the learned counsel for the Corporation, the direction to compensate interveners is not a workable one. Justifying the institution of the Corporation's MCC, it is pointed out that an affidavit was filed earlier on behalf of the Corporation which was not under due authority and it is therefore, that the present MCC is filed, essentially recalling the stand taken earlier. It is argued that there is no reason to hold that the Corporation's contentions are foreclosed by virtue of the earlier decisions.

9. Per contra, the learned counsel for the interveners and the

learned counsel appearing for those respondents who are the writ petitioners argued that going by the Town Planning Scheme and the Master Plan prepared in the year 1979, it is beyond dispute that the structure in question could not have been put in the manner in which it is and the width of the road was to be maintained at 35 meters which would be equivalent to 115 ft. He accordingly says that the Master Plan which ought to be enforced till 2001 would be relevant to consider whether the Corporation was within the limits of law to put up the construction and the learned Single Judge was hence justified in directing that the construction be pulled down.

10. Insofar as the impugned judgment is concerned we do not find that there is any jurisdictional error or any error on law or facts, in the learned Single Judge having held that the provisions of the Master Plan and the Town Planning Schemes are violated. The judicial precedents referred to by the learned Single Judge, to order the Municipal Corporation to demolish the structure, and to provide compensation to the interveners, are, therefore, justifiable on principles of law.

11. But, as rightly noted by this Court through the order dated 18/01/2017, the fact of the matter remains that 30 years have elapsed and what has to be ascertained is as to what would be the requirement as on date. Town Planning is a matter under the control of the State. The power to legislate and the power to take executive decisions in relation to the Town Planning is within the domain of the State. The jurisdiction to handle such issues are

fundamentally with the Town Planning Department of the State Government. While the learned counsel for the interveners is justified in pointing out that the Town Planning Scheme of 1979 would continue to hold the field till 2001, the fact of the matter remains that the Town Planning Department is shown to have come out with a variation to such Master Plan by reducing the width of the road in question. That is not a matter which is subjected to judicial review either before the learned Single Judge in this round or in any other matters which could be treated as the earlier rounds of litigations. That position notwithstanding the fact, the fact of the matter remains that, in the ultimate bargain, what has to be found out is as to whether the Municipal Corporation is to be permitted to continue to hold the structure which it had put up in Khasra No. 488. We say this because the paramount title of the incorporation to that parcel of the land is not in dispute. That being so, the user of that land is exclusively referable to matters falling within the domain of Town Planning.

12. For the aforesaid reasons, sustaining the findings of the learned Single Judge insofar as the principles of law are concerned, we vacate the directions contained in the said judgment and direct the Secretary, Urban Administration, State of Chhattisgarh to give an opportunity of hearing to the Municipal Corporation, to the writ petitioners, as well as the interveners, and take a decision on all matters which are relevant and issue an order regarding the application of the Master Plan to the site

in question. We clarify that this opportunity of hearing and the right to raise objections will stand confined to the persons who had joined the writ appeals as appellants or those who had intervened in the appeal of the Municipal Corporation, that is to say the seven persons who were given the benefit of continued participation in this proceedings as per the order dated 18/01/2017 as well as other persons who are interveners in the captioned matters as on today. The Secretary, Urban Administration, Government of Chhattisgarh will take a final decision in the matter within an outer limit of six months from the date of the receipt of a copy of this judgment and the representations of the parties whichever is later. We direct that any among the parties to this litigation, desirous of placing objections or representations shall do so before the Secretary, Government of Chhattisgarh and they will mark appearance by themselves or through duly authorized representative in the office of the Secretary, Urban Administration, Government of Chhattisgarh on 18th August 2017 at 11 a.m.

13. The writ appeals and the MCCs are ordered in the aforesaid terms.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Sharad Kumar Gupta)
Judge