

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No.3430 of 2006**

Jagdish Sharaf, aged about 47 years, S/o Shri Lochan Prasad Sharaf, R/o Infront of Mahadev Stadium (Champa), District Janjgir-Champa

---- Petitioner

Versus

1. State Of Chhattisgarh Through the Secretary, Adim Jati Kalyan Vibhag, D.K.S. Bhawan, Raipur (CG)
2. The Managing Director, Chhattisgarh State Antyavasayi Sahkari Vikas Avam Vitt Nigam, Sector-5, Block 9 Devendra Nagar, Raipur, District Raipur (CG)
3. The Collector, Janjgir Champa, District – Janjgir Champa (CG)
4. The District Antyavasayi Sahakari Vikas Samiti Maryadit, Branch Janjgir, District-Janjgir-Champa (CG)
5. Sub Divisional Officer (Revenue) Champa, District Janjgir-Champa (CG)

---- Respondents

For Petitioner	:	Mr.Vishnu Koshta, Advocate
For Res.No.1, 3 and 5	:	Mr.Majid Ali, P.L.
For Res.No.2 and 4	:	Mr.B.L.Sahu, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

25/10/2017

1. The petitioner was allotted shop No.6 for carrying his business on monthly rent of ₹ 300/- by the Collector (Antyavasayi Branch), Janjgir Champa by order dated 27.5.2002, which was ultimately revoked by the District Collector by order dated 27.10.2005. The said order was challenged by the petitioner before this Court in Writ Petition No.6096 of 2005 and this Court vide order dated 9th December, 2005 set aside the order of the District Collector and directed to pass a fresh order after giving an opportunity of hearing to the petitioner. This time, respondent No.3/Collector (Antyavasayi Branch), Janjgir

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Champa after giving an opportunity of hearing to the petitioner again revoked the allotment order granted to the petitioner, against which, this writ petition has been preferred by the petitioner herein.

2. Learned counsel appearing for the petitioner would submit that the impugned order is unsustainable and bad in law.
3. On the other hand, learned Panel Lawyer appearing for the State and learned counsel appearing for respondents No.2 and 4 would support the impugned order.
4. I have heard learned counsel appearing for the parties, considered their rival submissions made herein-above and also gone through the records with utmost circumspection.
5. The Collector (Antyavasayi Branch), Janjgir Champa has clearly recorded a finding that the petitioner has sub-let the shop in question to other person contrary to the terms and conditions of order of allotment and structure of shop has also been changed without prior permission of the respondent authorities and the petitioner is also defaulter in not making payment of rent to respondent authority, which is fixed as ₹ 300/- per month.
6. The aforesaid finding recorded by the Collector is a finding of fact based on evidence available on record as the petitioner has violated the terms and conditions of order of allotment by sub-letting the shop in question and also failed to make the payment of rent in time, for which the petitioner's allotment

has been cancelled. The said finding is neither perverse nor
contrary to record.

7. I do not find any merit in the writ petition. The writ petition
being without substance is liable to be and is hereby
dismissed. No cost(s).

Sd/-

(Sanjay K. Agrawal)

Judge

B/-