

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (PIL) No. 71 of 2017**

- Santosh Namdev S/o Late Shri Khorwahra Namdev, Aged About 55 Years R/o Shitla Ward No. 9, Kawardha, District Kabirdham (Chhattisgarh).

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Urban Administration And Development, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh.
2. Collector, Kabirdham, Collectorate, Kawardha, District Kabirdham, Chhattisgarh.
3. Kawardha Municipal Council, Through The Chief Municipal Officer, Kawardha Municipal Council, Kawardha, District Kabirdham, Chhattisgarh.
4. Cheif Municipal Officer, Kawardha Municipal Council, Kawardha, District Kabirdham (Chhattisgarh).
5. Vijay Sharma S/o Shri Ghanshyam Sharma, Naveen Bazar, Kawardha, District Kabirdham (Chhattisgarh).
6. Pawan Kedia, S/o Shri Laxminarayan Kedia, Naveen Bazar, Kawardha, District Kabirdham (Chhattisgarh).
7. Melaram Sahu, S/o Shri Khorbahra Sahu, Naveen Bazar, Kawardha, District Kabirdham (Chhattisgarh).
8. Smt. Anita Gupta, W/o Shri Santosh Gupta, Naveen Bazar, Kawardha, District Kabirdham (Chhattisgarh).
9. Smt. Sita Patel, W/o Late Shri Ghasiram Patel, Naveen Bazar, Kawardha, District Kabirdham (Chhattisgarh).
10. Pawan Gupta S/o Laxminath Gupta, Naveen Bazar, Kawardha, District Kabirdham (Chhattisgarh).
11. Mukesh Jaiswal, S/o Shri Narayan Jaiswal, Naveen Bazar, Kawardha, District Kabirdham (Chhattisgarh).
12. Manendra Singh Gumber S/o Shri Govind Singh, Naveen Bazar, Kawardha, District Kabirdham (Chhattisgarh).
13. Bala Gupta, S/o Kedar Gupta, Naveen Bazar, Kawardha, District Kabirdham (Chhattisgarh).
14. Smt. Kumari Bai, W/o Shri Rajendra Kalar, Naveen Bazar, Kawardha, District Kabirdham (Chhattisgarh).
15. Ramesh Kumar, S/o Shri Punulal Mahra, Naveen Bazar, Kawardha, District Kabirdham (Chhattisgarh).
16. Kunjlal Gond S/o Shri Guharam Gond, Naveen Bazar, Kawardha, District Kabirdham (Chhattisgarh).
17. Sanjay Lanjhi, Naveen Bazar, Kawardha, District Kabirdham (Chhattisgarh).
18. Smt. Neelam Khurana W/o Shri Surjeet Singh Khurana, Naveen Bazar, Kawardha, District Kabirdham (Chhattisgarh).
19. Rajkumar Chandrawanshi Naveen Bazar, Kawardha, District Kabirdham (Chhattisgarh).
20. Melaram Dhruw, S/o Mohanlal Dhruw, Naveen Bazar, Kawardha, District Kabirdham (Chhattisgarh).

21. Ram Prasad Baghel, S/o Latel Ram, Naveen Bazar, Kawardha, District Kabirdham (Chhattisgarh).
22. Bodhi Prakash, S/o Punaram, Naveen Bazar, Kawardha, District Kabirdham (Chhattisgarh).

---- Respondents

For Petitioner	:	Shri Amrito Das, Advocate
For State /Resp. No.1 & 2	:	Shri Y.S.Thakur, Additional Advocate General
For Corporation/Resp. No.3 & 4	:	Shri Ashutosh Kachawaha, Advocate
For Private Respondents	:	Shri Kishore Bhaduri, Shri P.P. Sahu and Shri Rishi Rahul Soni, Advocates

Hon'ble Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri Justice Sharad Kumar Gupta
Order on Board

Per Thottathil B. Radhakrishnan, Chief Justice

08.11.2017

1. This writ petition is filed as a Public Interest Litigation fundamentally seeking cancellation of allotment of shops, situated at Naveen Bazar, which are elaborately described in the writ petition.
2. Today, the learned counsel for the Petitioner submits that the official respondents have taken action and had sealed the shop rooms or have evicted certain persons by cancelling their licences. The private respondents have entered appearances. The learned counsel appearing for the private respondents point out that arbitrary exercise of power was resorted to under the cover of pendency of this writ petition and some of the private respondents are deprived of possession not only of the shop rooms but also of the goods stored in the said shop rooms, which have been sealed. Suggestion is made on behalf of the private respondents that this matter be kept pending to enable the private respondents to ventilate their grievances. It is also pointed out that some of the private respondents have already instituted independent writ petitions or have sought relief otherwise.
3. This writ petition is yet to be admitted. No interim order is granted by this Court. In this Public Interest Litigation, no further relief is called for having regard to the situation pointed out by the learned counsel for the Petitioner. It is also not necessary to keep this matter pending to adjudicate any grievance which the private respondents

have against the purported action taken by the official respondents either in terms of the statutory powers or otherwise. All that we need to clarify is that the institution and pendency of this writ petition would not, by itself, be decisive either against or in favour of the private respondents and all grievances of the private respondents in the litigation which they have initiated or would initiate in relation to the alleged dispossession or cancellation of licences will be decided by the competent authority and this writ petition and this judgment being rendered thereon will not stand in the way of the parties raising all contentions in such proceedings in accordance with law. With such clarification, this writ petition is dismissed.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Sharad Kumar Gupta)
Judge