

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (C) No.1853 of 2017

Bhagirathi Das Vaishnav, S/o late Badu Das Vaishnav, aged about 56 years, R/o L.I.G. 106, Maharana Pratap Nagar, Korba, District Korba (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through the Secretary, Urban Administration and Development Department, Mantralaya, Mahanadi Bhawan, New Raipur (C.G.)
2. The Collector, Korba, District Korba (C.G.)
3. The Commissioner, Municipal Corporation, Korba, District Korba (C.G.)

---- Respondents

For Petitioner:	Mr. Sushil Dubey, Advocate.
For Respondents No.1 and 2 / State: -	Mr. Bhaskar Payashi, Panel Lawyer.
For Respondent No.3:	Mr. B.D. Guru, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

11/07/2017

1. The petitioner is employee of Municipal Corporation, Korba. He has been allotted House No.LIG-106 at Maharana Pratap Nagar, Korba in which he is residing. He had made an application that under hire-purchase agreement, he is ready and willing to purchase the said house for which a representation was made by him which has not been decided leading to filing of a writ petition by the petitioner herein namely W.P.(C)No.165/2017, in which this Court directed to consider the case of the petitioner, in accordance with law. Now, Municipal Corporation, Korba has passed order that

the petitioner has been allotted the said house only for his residence during his service tenure and that house cannot be allotted to him finally, as that is earmarked for residence of employees working in the Municipal Corporation and it has been held that rules have been framed under Section 80 of the Chhattisgarh Municipal Corporation Act, 1956 for transfer of immovable properties and for allotment of houses constructed by the Corporation in which the petitioner can participate and he can avail the benefit, but the particular house which is earmarked for the employees of the Corporation cannot be sold to the petitioner and thus, rejected the representation of the petitioner against which this writ petition has been filed.

2. Learned counsel for the petitioner submits that similarly situated persons have been allotted similar houses in which they were residing.
3. The petitioner has no right to compel the Municipal Corporation to sell permanently the house which is earmarked for the employees in which the petitioner himself is residing as the same has been allotted to him for his residence during his service tenure. He has no right to compel the Corporation to sell/lease out the said house under any particular scheme to the petitioner. The representation filed by the petitioner has rightly been rejected by the Corporation. I do not find any merit in the petition. The writ petition is liable to be and is hereby dismissed, in limine. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge