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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (PIL) No. 63 of 2016**

Shrawan Rajwade S/o Vijay Shankar Rajwade, aged about 26 years, Resident of Sarnapara, Ambikapur, District Surguja, District Surguja, Chhattisgarh.

---- Petitioner**Versus**

1. State of Chhattisgarh, Through Chief Secretary, Urban Administration and Development Department, Mahanadi Bhawan, New Mantralaya, District Raipur, Chhattisgarh.
2. The Director, Urban Administration and Development Department, Indrawati Bhawan, New Mantralaya, District Raipur, Chhattisgarh.
3. The Collector, Ambikapur, District Surguja, Chhattisgarh.
4. The Municipal Corporation, Through its Commissioner, Ambikapur, District Surguja, Chhattisgarh.
5. Mayor, Municipal Corporation, Ambikapur, Through: Ajay Tirkey (At Present Mayor) Ambikapur, District Surguja, Chhattisgarh.
6. Smt. Praveen Jahan W/o A. Hussain, Resident of Rasulpur, Ambikapur, District Surguja, Chhattisgarh.
7. Abulaish Khan S/o Md. Ayub Khan, resident of Rasulpur, Ambikapur, District Surguja, Chhattisgarh.

---- Respondents

For Petitioner	: Shri Vineet K. Pandey, Advocate.
For Respondent/State	: Shri Ashish Surana, Panel Lawyer.
For Respondent/Corporation	: Shri Bhupendra Singh, Advocate.

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri P Sam Koshy, J.

Order on Board

Per Thottathil B. Radhakrishnan, Chief Justice

11/04/2017

1. Heard the learned counsel for the Petitioner in this public interest litigation and the learned counsel for the Municipal Corporation of Ambikapur as also the learned counsel appearing for the State Government.
2. Hearing the learned counsel for the parties, we are of the view that there cannot be any roving enquiry as to whether there was excessive demand or collection of occupation charges by the contractors under the Corporation for two structures which are used as Mandaps. They are named Surguja Sadan and Raj Mohini Bhawan.
3. It is not in dispute by now that the Municipal Corporation had been collecting occupation charges for Surguja Sadan and Raj Mohini Bhawan. It appears from the pleadings that though there may be an apparent conflict on the rates, there cannot be any mistake insofar as the records and the information available with the Commissioner of the Municipal Corporation of Ambikapur is concerned. It is submitted that one of the buildings is being leased out on a daily rental value of Rs. 16,000/- while there is some mixing up of facts regarding the rental value of the other. That could be either Rs. 11,000/- or Rs. 16,000/-.
4. With this in view, we direct that the Commissioner, Municipal Corporation, Ambikapur will ascertain the rates at which the Corporation had decided to make available Surguja Sadan and Raj Mohini Bhawan for the use of the public at large on rental basis. This would also include the additional rent that a person has to pay if the Mandap is booked for two days in one

go. Once the Commissioner decides on the exact amount, be it Rs.16,000/- or Rs.11,000/-, that decision of the Commissioner shall be exhibited in the notice board of Surguja Sadan and Raj Mohini Bhawan. Thereafter, it shall be ensured that the contractor under the Corporation does not collect any amount in excess of such prescribed amounts. If any person including the Petitioner has any specific complaint regarding excessive demand by the contractor, be it under whatever head of claim, then he will be at liberty to complain about it to the Commissioner, Municipal Corporation, Ambikapur who will thereupon take necessary action in accordance with law in the wake of any such complaint.

5. This writ petition is ordered accordingly.

Sd/-

(Thottathil B. Radhakrishnan)
CHIEF JUSTICE

Sd/-

(P. Sam Koshy)
JUDGE