

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 266 of 2013**

- Prem Prakash Lath S/o Late H.S. Lath, Aged About 49 Years, Occupation Businessmen, R/o Nirala Nagar, Near Bus Stand, Bilaspur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Urban Administration, Mantralaya, Naya Raipur, Distt Raipur Chhattisgarh
2. Municipal Corporation, Bilaspur, Through Commissioner , Municipal Corporation, Vikas Bhawan, Near Nehru Chowk, Bilaspur, Chhattisgarh
3. Commissioner Municipal Corporation, Bilaspur, Chhattisgarh
4. Mayor-In-Council Municipal Corporation, Vikas Bhawan, Near Nehru Chowk, Bilaspur, Chhattisgarh
5. Smt. Tej Kaur, W/o Late Trilok Singh Gandhi Aged About 75 Years R/o Near Gurudwara, Dayalbandh, Police Station City Kotwali Bilaspur District Bilaspur Chhattisgarh.

---- Respondent

For Petitioner
For Respective
Respondents

Mr. Abhishek Sinha, Advocate

Mr. R. Tripathi, Panel Lawyer, Mr. Pankaj
Agarwal and Mr. SC Verma, Advocates

Order On Board By**Hon'ble Mr. Justice Prashant Kumar Mishra, J****12/9/2018**

1. Heard.
2. All the parties would agree that the impugned order -Annexure P/1 may be quashed and a liberty be reserved in favour of the

Municipal Corporation, Bilaspur to pass fresh order after affording opportunity of hearing to the petitioner and respondent No.5 since the impugned order has been passed in apparent violation of principles of natural justice.

3. The joint statement made by learned counsel for the parties appear to be just and proper, therefore, the writ petition is allowed. The impugned order -Annexure P/1 is quashed only on the ground of violation of principles of natural justice and the matter is remitted back to the Municipal Corporation for passing fresh order after providing opportunity of hearing to the petitioner and respondent No.5.
4. As a consequence of quashment of impugned order-Annexure P/1, the further consequential allotment in favour of respondent No.5 is also quashed and the Municipal Corporation, Bilaspur shall pass fresh order in respect of both the petitioner and respondent No.5 under the extant scheme applicable at the relevant time and in accordance with law.
5. Let fresh order be passed within a period of three months from today.
6. Till then, status quo in respect of the subject shops be maintained in all respect.

Sd/-

(Prashant Kumar Mishra)

Judge

Shyna