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HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1161 of 2009**

- Smt. Govind Kaur Chhatpal, aged about 65 years, W/o Late Surendra Singh Chhatpal, R/o Ganja Street, Korba, Tahsil And Distt.-Korba (CG)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary Urban Development Department, DKS Bhawan, Raipur (CG)
2. Municipal Corporation Korba Through The Commissioner, Municipal Corporation Korba, Distt.-Korba (CG)

---- Respondent

For Petitioner	Mr. Prateek Sharma, Advocate
For Respondent/State	Mr. Shashank Thakur, Govt. Advocate
For Respondent No.2	Mr. Pankaj Agarwal, Advocate

Order On Board By**Hon'ble Mr. Justice Prashant Kumar Mishra****10/10/2018**

1. Heard.

2. The husband of the petitioner was allotted Plot No.68 admeasuring 4000 sq. ft. at Kosabadi area, Korba in the year

1977 under Unified Urban Development Scheme along with many other allottees and the petitioner's husband was asked to deposit a sum of Rs.12,000/- ,which he had already deposited as substantiated in the document-Annexure P/2, which is the true copy of the record maintained in the office of Municipal Corporation, Korba, the successor in interest of the erstwhile Special Area Development Authority, Korba, who allotted the said plot to the petitioner's husband.

3. In this petition, the petitioner has prayed for quashment of the decision taken by the Municipal Corporation, Korba on 3.2.2009 for auction of Plot No.68 as according to the petitioner, the said plot having already been allotted to her late husband, the same is not available for disposal by way of auction.
4. By an interim order dated 27.2.2009, this Court had directed the parties to maintain status quo with regard to Plot No.68 and same position is continuing till date.
5. The stand of the respondent-Corporation is that the petitioner was at fault in not coming forward for execution of the lease agreement and its registration, therefore, in absence of formal lease agreement in favour of the petitioner's late husband, there is no privity between the Municipal Corporation and the petitioner in respect of the subject plot and she is not entitled for the subject plot.
6. On the previous date of hearing, this Court had directed the Municipal Corporation, Korba to produce the entire record

relating to allotment of the subject plot to the petitioner and likewise, allotment made in favour of other allottees, as is mentioned in the document -Annexure P/3. The direction was made because hundreds of persons have been allotted plots in the Kosabadi area, Korba under the relevant scheme.

7. The Municipal Corporation, Korba has failed to produce the record of allotment of plots under the subject scheme or under any other scheme relating to Kosabadi area, Korba.
8. The Corporation is not disputing that the petitioner's late husband had made payment of the installment depositing the total amount of Rs.12,000/- in the year 1976-77. Thus, it appears, the petitioner has paid the amount of installment and the value of the plot but no document is available with the Corporation either in respect of allotment to the late husband of the petitioner or in respect of allotment of hundreds of plots to other residents in Kosabadi area.
9. The contention of the Municipal Corporation to the effect that the petitioner has failed to execute the lease agreement, therefore, she is not entitled to the subject plot, has no substance because in respect of the other allottees also no such lease agreement is available with the Municipal Corporation.
10. In the above view of the matter, the Municipal Corporation, Korba should not have proceeded to auction Plot No.68 allotted to the petitioner's husband, for which, he had paid the entire amount of Rs.12,000/- way back in the year 1976-77.

11. Let the Municipal Corporation, regularise the allotment made to the petitioner by executing formal lease agreement within a period of 3 months.

12. The writ petition is allowed to the extent indicated above.

Sd/-

(Prashant Kumar Mishra)

Judge

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