

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1091 of 2011

1. Seth Ratanchand Surana Dharamshala, through its Secretary, Paravinchand Surana, Hatri Bazar, Durg, Tehsil and District Durg (CG)
2. Pravinchand Surana S/o Late Premchand Surana, aged about 52 years, Secretary Seth Ratanchand Surana Dharamshala, R/o Jawahar Chowk, Durg, Tehsil and District Durg (CG)

---- Petitioner

Versus

1. State Of Chhattisgarh through Secretary, The Urban Administration and Development Department, DKS Bhavan, Raipur (CG)
2. The Municipal Corporation, Durg, Through its Commissioner, District Durg (CG)
3. The Collector, District Durg (CG)
4. The Deputy Director, Nagar Tatha Gram Nivesh, District Durg (CG)
5. The Nazul Officer, Durg, District Durg (Chhattisgarh)
6. Shri Gyanchand Patni S/o Soubhagmal Patni, aged about 56 years, having shop at Near Seth Ratanchand Surana Dharamshala Hatri Bazar, Durg, Tehsil and District Durg (CG)
7. Mohd. Alanoor, S/o not known to the petitioner, aged about 50 years, Having Shop At Near Seth Ratanchand Surana Dharamshala, Hatri Bazar, Durg, Tehsil and District Durg (CG)

---- Respondent

WPC No. 5655 of 2011

1. Seth Ratanchand Surana Dharamshala through its Secretary, Pravinchand Surana, Hatri Bazar, Durg, Tehsil and District Durg (CG)
2. Pravinchand Surana S/o Late Premchand Surana, aged about 52 years, Secretary Seth Ratanchand Surana Dharamshala, R/o Jawahar Chowk, Durg, Tehsil and District Durg (CG)

---- Petitioner

Versus

1. State of Chhattisgarh, through Secretary, The Urban Administration and Development Department, DKS Bhavan, Raipur (CG)
2. The Municipal Corporation, Durg, Through its Commissioner, District Durg (CG)
3. The Collector, District Durg (CG)
4. The Deputy Director, Nagar Tatha Gram Nivesh, District Durg (CG)
5. The Nazul Officer, Durg, District Durg (Chhattisgarh)
6. Shri Gyanchand Patni S/o late Soubhagmal Patni, aged about 56 years, having shop at Near Seth Ratanchand Surana Dharamshala, Hatri Bazar, Durg, Tehsil and District Durg (CG)
7. Shri Pankaj Patni, S/o Shri Narendra Jain, aged about not known to petitioner having shop at Near Seth Ratanchand Surana Dharamshalal Hatri Bazar, Durg, Tehsil and District Durg (CG)

---- Respondent

For Petitioners
For Respective
Respondents

Mr. Ashish Surana, Advocate
Mr. A.S Kachhwaha, Additional Advocate
General and Ms. Shaileja Shukla, Advocate
on behalf of Mr. Yashwant Singh Thakur,
Advocate

Order On Board By

Hon'ble Mr. Justice Prashant Kumar Mishra

10/9/2018

1. Heard.
2. The petitioners are objecting to the allotment of shops to Shri Gyanchand Patni (respondent No.6 in both the petitions), Mohd. Alanoor (respondent No.7 in WPC No.1091 of 2011) and

Shri Pankaj Patni (respondent No.7 in WPC No.5655 of 2011) and execution of lease in favour of respondent No.6 Shri Gyanchand Patni over the shops constructed at Ward No.30, Hatri Bazar, New Market, Durg.

3. A perusal of the lease would indicate that there is a market consisting of 209 shops, out of which, the shops have been allotted to respondents 6 & 7 to which the petitioner is objecting on the ground that these shops have been constructed in violation of the master plan.
4. On proposal moved by the Municipal Corporation, the State Government has approved allotment of shops to the respondents against which the petitioners claim that the shops have been raised in contravention of the master plan.
5. In the course of hearing, it appears to this Court that there are disputed questions about the location of the shops, road width viz-a-viz master plan and the validity of construction of the shops, therefore, instead of keeping this petition pending, it would be just and proper that a decision in the matter should be taken by the State Government, who has approved the allotment.
6. Let the petitioners move a representation objecting to the grant of lease to Shri Gyanchand Patni (respondent No.6 in both the petitions), Mohd. Alanoor (respondent No.7 in WPC No.1091 of 2011) and Shri Pankaj Patni (respondent No.7 in WPC No.5655 of 2011) before the concerned Department of the

State Government within one month from today. Copy of the representation shall also be served on the Commissioner of the Municipal Corporation, Durg. On such representation being filed, the State Government shall issue notice to respondents 6 & 7 as well as to the Municipal Corporation, Durg and summon report from the Municipal Corporation. Copy of the report be supplied to all the parties and thereafter, the State Government shall hear all the parties and decide the representation by a speaking order, at the earliest, preferably within a period of 6 months from date of submission of certified copy of this order.

7. The writ petition is accordingly disposed of.

Sd/-

(Prashant Kumar Mishra)

Judge

Shyna