

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 2471 of 2010**

Sharad Sharma, S/o. S.S. Sharma, Aged about 45 years, Colonizer
R/o. MIG 197 Padmanabhpur, Durg, Chhattisgarh

---- Petitioner**Versus**

1. Municipal Corporation, Through Commissioner, Office at Town Hall, Rajnandgaon, Chhattisgarh
2. State of Chhattisgarh, through: Secretary, Local Self Government Department, DKS Bhawan, Raipur Chhattisgarh

----Respondents

For Petitioner	:	Mr. Anup Majumdar, Advocate
For State	:	Mr. Syed Majid Ali, Dy. G.A.
For respective Respondents	:	Mr. Sourabh Sharma, Advocate Ms. Urvashi Kaushik, Advocate
For Intervenor	:	Mr. Abhishek Sinha, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****13/08/2018**

1. The challenge in the present writ petition is to the order (Annexure P/1) dated 29.09.2009, whereby the Municipal Corporation Rajnandgaon has issued notice for auction of the mortgaged property.
2. The present writ petition is pending consideration before this Court for last almost 10 years. The petitioner has also got an interim order of maintaining status quo as it existed on 12.05.2010.
3. The contention of the counsel for the petitioner is that required development of the property in question had already been done by him and the impugned order has been passed without conducting any physical verification of the site and that the petitioner has not been taken into confidence before issuance of the impugned order.

4. The counsel for the respondents however opposing the petition submits that in fact there has been no development work which has been carried out by the petitioner and it was under these circumstances which forced the corporation for issuance of the impugned order.
5. Be that as it may, considering the fact that the petition is pending consideration before this Court for last almost a decade, this Court is of the opinion that let the respondent No.1 conduct a physical verification of the property as it stands today in presence of the petitioner, and in case if any deficiencies are detected on the part of the petitioner, the petitioner should be granted additional three months time for curing the defect and in case if the petitioner fails to cure all those defects, the respondent-corporation would be at liberty to proceed further.
6. Considering the dispute raised between the parties with the consent of the parties, this Court is inclined to dispose of the writ petition with a direction that let the petitioner and the officer of the respondent No.1 appear at the disputed site on the 20th of August, 2018 at 3 p.m. and conduct a physical verification in respect of the internal development of the property in question and thereafter the petitioner should be granted minimum of three months' time for curing the deficiencies, if any, and thereafter proceed further and pass suitable order.
7. With the aforesaid observation, the impugned order (Annexure P/1) stands set-aside/quashed.

Sd/-
(P. Sam Koshy)
Judge