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HIGH COURT OF CHHATTISGARH, BILASPUR

WPIL No. 143 of 2017

- Santosh Namdev S/o Late Shri Khorwahra Namdev Aged About 55 Years R/o Shitla Ward No. 9, Kawardha, District Kabirdham Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Urban Administration And Development, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh.
2. Collector, Kabirdham, Collectorate, Kawardha, District Kabirdham.
3. Kawardha Municipal Council, Through The Chief Municipal Officer, Kawardha Municipal Council, Kawardha, District Kabirdham.
4. Chief Municipal Officer, Kawardha Municipal Council, Kawardha, District Kabirdham Chhattisgarh.
5. Pawan Kedia S/o Shri Laxminarayan Kedia, Naveen Bazar, Kawardha, District Kabirdham Chhattisgarh.
6. Melaram Sahu, S/o Shri Khorbahra Sahu, Naveen Bazar, Kawardha, District Kabirdham Chhattisgarh.
7. Smt. Anita Gupta W/o Shri Santosh Gupta, Naveen Bazar, Kawardha, District Kabirdham Chhattisgarh
8. Smt. Sita Patel W/o Late Shri Ghasiram Patel, Naveen Bazar, Kawardha, District Kabirdham Chhattisgarh.
9. Pawan Gupta S/o Laxminath Gupta, Naveen Bazar, Kawardha, District Kabirdham Chhattisgarh.
10. Manendra Singh Gumbar, S/o Shri Govind Singh, Naveen Bazar, Kawardha, District Kabirdham Chhattisgarh.
11. Bala Gupta S/o Kedar Gupta Naveen Bazar, Kawardha, District Kabirdham Chhattisgarh.
12. Rajkumar Chandrawanshi S/o Shri Balram Chandrawanshi, Naveen Bazar, Kawardha, District Kabirdham Chhattisgarh.,
13. Melaram Dhruw, S/o Mohanlal Dhruw, Naveen Bazar, Kawardha,

District Kabirdham Chhattisgarh

14. Rajendra Singh Gumber S/o Shri Givind Singh Gumber, Naveen Bazar, Kawardha, District Kabirdham Chhattisgarh.

---- Respondent

For Petitioner	Mr. Amrito Das, Advocate
For Respondent/State	Mr. YS Thakur, Additional Advocate General
For Respondents 3 & 4	Mr. Pankaj Agarwal, Advocate
For Respondents 5 to 14	Mr. Kishore Bhaduri, Advocate

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice

Hon'ble Shri Justice Prashant Kumar Mishra

Per, Ajay Kumar Tripathi, Chief Justice

30/7/2018

1. Heard.
2. This PIL has been preferred by the petitioner, who is supposed to be a Ward Councillor of Ward No.19 of Kawardha Municipality.
3. Though many issues were raised in the PIL but now the thrust of the argument of learned counsel for the petitioner is that the private respondents, who are allottees of certain shops and what is known as 'Navin Bazar Complex', should be compelled to or saddled with payment of interest in deposit of the balance amount of the auction specially since they were successful bidders and allotments came to be made in their favour by the Municipality.

4. Submission of learned counsel for the petitioner is that way back on 07.11.2014, the newly constructed shops by the Municipal Authorities were auctioned. The successful bidders deposited initially 1/4th amount but the balance 3/4th amount which they were supposed to make over to the Municipal authorities within the time frame indicated in the letter was not acted upon. It is alleged to be because of the indulgence or connivance with some Municipal authorities. Because of the same, the Municipality did not earn the benefit of the auction in totality.
5. We are not getting into the details of the dispute and other litigations which were set into motion after the auction. The facts as they stand today are that the allotments have been held to be valid. Even the balance amounts now have been deposited by the various shopkeepers by way of Demand Drafts. Though because of the pending litigations, delay in decision making and process of approval, most of these private respondents have not been given possession or occupation of the shops.
6. The decision which has been rendered by the Collector, Kabirdham to that extent should be allowed to rest, unless there is an affected party who would like to assail the same.
7. The main issue therefore is delay of deposit of the balance amount, which is vexing the present petitioner. Let the matter be looked into by the Chief Municipal Officer, Kawardha Municipal Council, Kawardha, District Kabirdham (CG), and whether there was any justification for the allottees to not

comply with the deposit of the balance amount and if there was none, whether they would be responsible to make payment of interest on the delayed deposit.

8. The writ petition is accordingly disposed off in terms of the observations as above.

Sd/-

(Ajay Kumar Tripathi)
Chief Justice

Sd/-

(Prashant Kumar Mishra)
Judge

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