

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1162 of 2018**

Rashid Advertisers Through Its Proprietor Rashid Khan, S/o Late Abdul Hafiz Khan, Aged About 56 Years, R/o Sardar Road, Near SBI ATM, Ambikapur, District Surguja Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Principal Secretary Urban Administration And Development Department, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh.
2. The Municipal Corporation Ambikapur, Through The Commissioner, Ambikapur, District Surguja Chhattisgarh.
3. The Revenue Officer, Municipal Corporation Ambikapur, District Surguja Chhattisgarh.

---- Respondents**WPC No. 1154 of 2018**

Mohammad Shafique Qureshi S/o Late Shabir Qureshi, Aged About 49 Years R/o Mahamaya Road, Gurudwara, Ward No. 36, Ambikapur, District Surguja Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Principal Secretary Urban Administration And Development Department, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh.
2. The Municipal Corporation Ambikapur Through The Commissioner, Ambikapur, District Surguja Chhattisgarh.
3. The Revenue Officer, Municipal Corporation Ambikapur, District Surguja Chhattisgarh.

---- Respondents**WPC No. 1160 of 2018**

R.K. Publicity Through Its Proprietor Wasim Khan S/o Abdul Rashid, Aged About 33 Years, R/o Sangam Chowk, Vijay Marg, Ambikapur, District Surguja Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Principal Secretary Urban Administration And Development Department, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh.
2. The Municipal Corporation Ambikapur, Through The Commissioner, Ambikapur, District Surguja Chhattisgarh.
3. The Revenue Officer, Municipal Corporation Ambikapur, District Surguja Chhattisgarh.

---- Respondents

For Petitioner : Shri Rakesh Pandey, Advocate.

For Respondent/State : Shri UNS Deo, Government Advocate.

For Respondent/Corporation : Shri Bhupendra Singh, Advocate.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice
Hon'ble Shri Parth Prateem Sahu, Judge

Order on Board

25/10/2018

Per Ajay Kumar Tripathi, Chief Justice

1. Heard counsel for the Petitioner, counsel representing the State including the counsel representing the Municipal Corporation, Ambikapur.
2. In these writ applications, the orders dated 29.01.2018 and 07.02.2018 are under challenge, by virtue of which, a tender dated 15.11.2016 issued by Municipal Corporation, Ambikapur for putting up hoardings in the municipal area stood cancelled, security money forfeited and the Petitioners were blacklisted for two years.
3. Submission on behalf of the Petitioners is that all these decisions have taken unilaterally including the decision to blacklist for a period of two years, which has civil consequences for the Petitioners and in absence of proper notice and opportunity of hearing, said decision could not be passed.
4. Counsel representing the Municipal Corporation, Ambikapur submits that the Petitioners never deposited the bid amount beyond the security amount despite repeated notices and communications made with them. In fact, they were playing hide and seek and had also put up certain illegal hoardings, which led to loss of revenue to the municipal authorities.
5. This Court finds it strange that for almost three years i.e. the period the contract subsisted, the municipal authorities except issuing notices and reminders did nothing significant to protect their interest and suddenly towards the end of the period, they not only decide to forfeit the security amount, cancel the tender which anyway amounted to nothing and without any kind of proposal for blacklisting or opportunity of hearing. They were blacklisted for a period of two years.

6. In the facts and circumstances and the manner, in which, the decision has been taken, the impugned decision contained in Annexure P/1, which is an information obtained under the Right to Information Act, 2005, orders dated 29.01.2018 and 07.02.2018 are quashed. The matters are remanded back to the municipal authorities that they are free to take action against the Petitioners, but in accordance with law. The Municipal Corporation, Ambikapur is directed to proceed afresh. The Petitioners have an obligation to cooperate and not play any games any further.

7. The writ applications are disposed off in the aforesaid terms.

Sd/-

(Ajay Kumar Tripathi)
CHIEF JUSTICE

Sd/-

(Parth Prateem Sahu)
JUDGE