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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 477 of 2018**

(Arising out of order dated 04.04.2018 passed in W.P.(C) No. 906 of 2018 by the learned Single Judge)

- Shyam Singh S/o Lakhan Singh, Aged About 52 Years Ex-Serviceman (Ex-Naik No. 15107783N), R/o Lalbagh, Amaguda, Jagdalpur, District Bastar Chhattisgarh.

---- Appellant

Versus

1. State of Chhattisgarh Through The Secretary, Urban Administration And Development Department, Mantralaya Mahanadi Bhawan, New Raipur Chhattisgarh.
2. The Collector, Jagdalpur, District Bastar Chhattisgarh.
3. Municipal Corporation, Jagdalpur, Through The Commissioner, Municipal Corporation, Jagdalpur, District Bastar Chhattisgarh.
4. Director, Directorate Sainik Welfare, Chhattisgarh Sainik Kalyan Bhawan, Collectorate Campus, Raipur Chhattisgarh.
5. District Sainik Welfare Officer, Jagdalpur, District Bastar Chhattisgarh.
6. Smt. Sharda Kurrey W/o Inder Kurrey, R/o Danteshwari Ward P.S. Bodhghat, Jagdalpur, District Bastar Chhattisgarh.

---- Respondents

For Appellant	:	Ms. Sharmila Singhai, Advocate.
For Respondent-Corporation	:	Shri A.S. Kachhawaha, Advocate

Hon'ble Thottathil B. Radhakrishnan, Chief Justice**Hon'ble Shri Justice Sharad Kumar Gupta****Judgment on Board****Per Thottathil B. Radhakrishnan, Chief Justice****04.05.2018**

1. We have heard the learned counsel for the Appellant / writ petitioner and the learned counsel for the 3rd Respondent.
2. A particular shop room in Sanjay Market, Jagdalpur was auctioned on 31.05.2009. The 6th Respondent was allotted that shop. The writ petition was filed on 02.04.2018 stating that the shop could not have been allotted to the 6th Respondent as

it was ear-marked to be allotted to Ex-Serviceman. The Petitioner is an Ex-Serviceman. The learned Single Judge held that the writ petition is highly belated. Accordingly, the writ petition was dismissed.

3. The learned counsel for the Appellant referring to Annexure – P/5 in the writ petition, pointed out that the Commissioner of the Corporation has stated that the auction of 31.05.2009 was held without de-reserving the shop from the Ex-Serviceman quota. That communication is generated on the basis of a representation made by the Petitioner. It is stated that the Petitioner moved the Commissioner on the basis of the information obtained under the RTI Act. But, the fact of the matter remains that situations relating to the shop in question had settled down way back on 31.05.2009. The 6th Respondent, who is stated to be a member of a Scheduled Caste is utilizing that shop room for the last more than nine years. The learned Single Judge has exercised jurisdiction to hold that the writ petition is belated. We are not inclined to disagree with the learned Single Judge in having held that writ petition was highly belated and that it did not deserve to be entertained under Article 226 of the Constitution of India. This intra-court appeal therefore fails and the same is accordingly dismissed.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Sharad Kumar Gupta)
Judge