

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 800 of 2018**

*{Arising out of order dated 10.10.2018 passed by learned Single Judge in Writ Petition
(C) No. 1161 of 2009}*

- Municipal Corporation Korba through the Commissioner, Municipal Corporation Korba, District Korba (C.G.)

---- Appellant**Versus**

1. State of Chhattisgarh, Through the Secretary, Urban Development Department, DKS Bhawan, Raipur (C.G.)
2. Smt. Govind Kaur Chhatpal, aged about 65 years, W/o Late Surendra Singh Chhatpal, R/o Ganja Street Korba, Tahsil and District Korba (C.G.)

---- Respondents

For Appellant	:	Shri Rajeev Shrivastava, Advocate.
For Respondent No.1/State	:	Shri U.N.S. Deo, Government Advocate.

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

Judgment on Board**Per Ajay Kumar Tripathi, Chief Justice****07.12.2018**

1. Heard counsel for the Appellant and learned Government Advocate for the State.
2. Writ application of the private Respondent was allowed by the learned Single Judge vide its order dated 10.10.2018. She was compelled to file said writ application against which the appeal has been preferred because the Appellant / Municipal Corporation of Korba decided to auction Plot No. 68 allotted to the late husband of the private Respondent in the year 1976-77 vide their order dated 03.02.2009.

3. From the assertion in the writ application the learned Single Judge took note of the fact that the husband of the private Respondent had made payment of the sum of Rs.12,000/- in the year 1976-77 itself and the value of the plot of the land stood paid, but no document was executed. Nothing is available to dispute the position, by the Corporation.
4. The contentions raised on behalf of the Municipal Corporation that there is failure to execute lease agreement was repelled by the learned Single Judge on the ground because Municipal Corporation could not produce any evidence that such agreement has been executed in relation to such allotment with any other person and therefore, an allotment made almost 4 decades back cannot be allowed to be auctioned because of change of a policy which has come above now as to the matter of such settlement.
5. We are not satisfied that a ground is made out for interference with the order of the learned Single Judge, who has given a direction after quashing the decision dated 03.02.2009, from auctioning the Plot No. 68, as also to execute and formalize the lease agreement, is required to be interfered with.
6. Appeal has no merit. It is dismissed.

Sd/-

(Ajay Kumar Tripathi)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge