

HIGH COURT OF CHHATTISGARH, BILASPUR**WP No. 3965 of 2005**

1. Gopal Prasad Agrawal, aged about 66 years, S/o. Late Shri Gyarashilal Agrawal, R/o. Ramadhin Marg, District Rajnandgaon (C.G.)

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through Secretary, Urban Administration and Development, D.K.S. Bhavan, Raipur (C.G.)
2. Rajnandgaon Municipal Corporation, Through its commissioner, Rajnandgaon, District Rajnandgaon (C.G.)

---- Respondents

For Petitioner:-	Shri Yash Mourya, Advocate.
For Respondent/State	Shri Anmol Sharma, PL
For Respondent No.2-	Shri Sourabh Sharma, Advocate.

Order On Board**By****Prashant Kumar Mishra, J.****18/02/2019**

1. The writ petition has been preferred for a direction to the respondent No. 2 Municipal Corporation, Rajnandgaon to renew the lease for the petitioner's shop situated at Near Raipur Naka, Rajnandgaon.
2. The shop was leased out to the petitioner for a period of 10 years w.e.f., 01.02.1979, which was subsequently, renewed for another period of 10 years on 01.02.1995. His application for further renewal filed in December, 2004 was considered but the resolution was

passed on 26.07.2005 (Annexure R/2-A) for not renewing the lease. However, subsequently, another resolution was passed on 28/02/2009 (Annexure P8 with rejoinder) recommending renewal of the lease, but due to pendency of the writ petition, the Corporation has not taken any final decision in the matter.

3. In the document Annexure R/2-A, the Corporation mentioned that a shopping complex is proposed to be constructed over the subject area, therefore, the lease cannot be renewed. However, there is no mention of construction of any complex in the subsequent resolution Annexure-P/8. Therefore, it is for the Corporation to decide the issue consciously depending upon its own future planning for the area.
4. For all the above stated reasons, instead of keeping this petition pending, I deem it appropriate to dispose of the writ petition with direction to the Municipal Corporation to decide the petitioner's application for renewal of the lease of the shop situated at Near Raipur Naka, Rajnandgaon, expeditiously, by a reasoned order. If the Corporation decides to pass any adverse order against the petitioner, it shall provide an opportunity of hearing to the petitioner.
5. Accordingly, the writ stands disposed of. No order as to costs.

Sd/-
(**Prashant Kumar Mishra**)
Judge

Ayushi