

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1266 of 2012**

- G.S. Kshatri, S/o Late Gulab Kshatri, Aged about 61 years, R/o – Quarter No. C-16, Shankar Nagar, Raipur, Chhattisgarh. Presently working as Zone Commissioner, Municipal Corporation – Raipur, C.G.

---- Petitioner**Versus**

1. Chhattisgarh Infrastructure Development Corporation Ltd., Through – Managing Director, Shastri Chowk, Raipur (C.G.)
2. Regional Manager, Chhattisgarh Infrastructure Development Corporation, (Transport Cell), Regional Office, Aamanaka; Raipur, (C.G.)
3. Commissioner, Chhattisgarh Housing Board, Shankar Nagar – Raipur, C.G.
4. Executive Engineer, Chhattisgarh Housing Board, Shankar Nagar, Raipur, C.G.

---- Respondents

For Petitioner : Shri B.D. Guru, Advocate

For Respondents No.1 & 2 : Ms. Purnima Singh, Advocate

For Respondents No.3 & 4 : Shri Sanjay Patel, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****26/09/2019**

1. Heard.
2. Learned counsel for the petitioner would submit that the petitioner was an earlier employee of M.P.S.R.T.C.. Subsequently, after the bifurcation of the State, CIDC was formed, wherein the petitioner services were absorbed. It is contended that certain houses belonging to the Housing Board were taken by CIDC. He would further submit that certain houses were allotted to CIDC and a

house bearing quarter No.C-16 situated at Shankar Nagar, Raipur was allotted to CIDC and the petitioner being the employee of CIDC was allotted the said house. It is contended that according to the policy of subsequently formed CIDC, the persons, who were allotted the house were allowed to purchase the same from the Housing Board and likewise the persons namely M.L. Dewangan as has been stated vide Annexure P-12 and Yogesh Kumar Soni & others at Durg were allowed to purchase the houses directly from the Housing Board and CIDC has issued the NOC. Therefore, the petitioner may also be allowed to purchase the house from Housing Board and he is ready and willing to pay the amount and therefore, the NOC may be issued to him.

3. Per contra, learned counsel for respondents No.1 & 2 would submit that the scheme was allowed only to the persons who had obtained the voluntary retirement. It is further submitted that during pendency of the petition, the subject houses have been purchased by the CIDC vide sale deed dated 2nd August, 2007 which is filed along with the return, therefore, the request of the petitioner cannot be adhered too.
4. Learned counsel for the petitioner would submit that the respondent may be directed to decide the application of the petitioner taking into the issue to whom the NOC has been granted in the likewise manner his application may also be decided.
5. Considering the prayer made, without any observation on merits, since the petitioner claims at this moment that his application to execute the sale deed may be considered as per Annexure P-11, it is directed that the respondent No.1 may consider the application of the petitioner within a period of 60 days from the date of receipt of copy of this order.

6. It is made clear that this Court has not expressed any opinion on the merits of the case and the respondent authorities shall decide the matter, on its own merits, strictly in accordance with law, without treating any observation made in this order, as opinion on the merits of the case.
7. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu