NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 390 of 2016

- Javed Shekh S/o Jahiruddin, Aged About 24 Years R/o Panchsheel Nagar, Ward No. 1 Durg, District Durg, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through - The Secretary, Department Of Urban Administration, Mantralaya Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh.

2. Municipal Corporation Durg Through Commissioner, District Durg, Chhattisgarh.

---- Respondent

For Petitioner : Shri Ayaz Naved, Advocate.
For Respondent/State : Shri Sanjay Agrawal, Govt. Advocate.
For Respondent No.2 : Shri Satish Gupta, Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

08/01/2019 :

1. In response to the public notice dated 29.7.2013 for allotment of shop No.3 along with two other shops issued by the Municipal Corporation, Durg, the petitioner submitted his bid which was accepted by the concerned Corporation and the matter was referred for approval to the State Government. The State Government refused to accord approval to the proposal of the Municipal Corporation and instead directed holding

auction for allotment of shop No.3 situate at Subhash Nagar School Premises, Durg.

2. Bare perusal of the order (Annexure-P/1) along with Annexure-P/9 which finds reference in the order (Annexure-P/1), it would appear that while refusing to accept proposal of the Municipal Corporation for allotment of the shop to the petitioner, the State Government has not assigned any reason as to why offer made by the petitioner is not acceptable.

3. Referring to the return, learned State Counsel has submitted that there being only one offer of the shop, the State Government thought it appropriate that in the interest of Revenue, a public auction should be held. However, there is no document in support of such contention raised in the return. The reasons may be contained in the note sheet but the same has not been placed before this Court. Therefore, the matter is remitted back to the State Government for consideration afresh.

4. Accordingly, the Writ Petition is disposed of with a direction to the State Government to consider the proposal of the Municipal Corporation, Durg for allotment of shop No.3 to the petitioner in accordance with law, keeping in view the interest of Revenue.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve