

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 290 of 2016

(Arising out of order dated 11.04.2016 passed by the learned Single Judge in

WPC No. 249 of 2014)

- Smt. Savitri Gupta W/o. Shri Amrit Gupta, Aged About 40 Years Specified As D/o. Ramji Gupta Patta Dhari Labour Worker By Occupation Resident Of Ward No. 46 Fokatpara, Gaya Vihar, Nutan Chowk, Sarkanda Bilaspur Police Station Sarkanda, District Bilaspur Chhattisgarh

---- Appellant

Versus

1. State Of Chhattisgarh Through The Secretary, Urban Administration And Development Department, Mahanadi Bhawan, New Mantralaya, Capital Complex Naya Raipur, District Raipur Chhattisgarh.
2. The Collector, Bilaspur, District Bilaspur Chhattisgarh.
3. The Municipal Corporation Bilaspur, District Bilaspur Through The Commissioner Municipal Corporation Bilaspur, District Bilaspur Chhattisgarh.
4. The Commissioner, Municipal Corporation Bilaspur, District Bilaspur Chhattisgarh.

---- Respondents

And

WA No. 301 of 2016

(Arising out of order dated 11.04.2016 passed by the learned Single Judge in

WPC No. 247 of 2014)

- Nita Bai Yadav W/o Shri Purushottam Yadav, Aged About 40 Years R/o Ward No. 46 Fokatpara, Gaya Vihar, Nutan Chowk, Sarkanda Bilaspur Police Station Sarkanda, District Bilaspur Chhattisgarh

---- Appellant

Versus

1. State Of Chhattisgarh Through The Secretary, Urban Administration And Development Department, Mahanadi Bhawan, New Mantralaya, Capital Complex Naya Raipur District Raipur Chhattisgarh
2. The Collector, Bilaspur, District Bilaspur Chhattisgarh
3. The Municipal Corporation, Bilaspur District Bilaspur Through The Commissioner Municipal Corporation Bilaspur District Bilaspur Chhattisgarh
4. The Commissioner, Municipal Corporation Bilaspur, District Bilaspur Chhattisgarh

---- Respondents

For Appellants : None present.
 For Respondents/State : Smt. Fouzia Mirza, Additional Advocate General assisted
 by Ms. Richa Shukla, Deputy Government Advocate

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice

Hon'ble Shri Goutam Bhaduri, Judge

Judgment on Board

Per, P. R. Ramachandra Menon, Chief Justice

18.06.2019

1. Issue projected in both these appeals is similar, arising from a common judgment dated 11.04.2016 passed by the learned Single Judge in WPC Nos. 249 of 2014 and 247 of 2014 respectively.

2. The prayers raised through WPC No. 249 of 2014 are extracted below for convenience of reference :

“10.1. The Hon'ble Court may kindly be pleased to call for the entire records pertaining to this case from possession of the respondents for it's kind perusal;

10.2. The Hon'ble Court may kindly be pleased to issue a suitable writ, direction or order and quash the notice dated 30.12.2013 (Annexure P/1); and

10.3. Any other relief, which this Hon'ble Court may deem fit and proper, may also be passed in favour of the petitioner society.”

3. Since the prayers raised in the writ petitions were similar and the grounds of challenge were identical, the matters were dealt with together by the learned Single Judge. For the reasons stated in the common verdict dated 11.04.2016, interference was declined and the writ petitions came to be dismissed, in turn, leading to these appeals.

4. It is brought to the notice of this Court by the learned counsel appearing for the parties on both the sides that there were other similar cases / appeals as well. Some of the appeals came to be dealt with by another Bench of this

Court and a verdict was passed granting some relief to the Appellants, virtually modifying the verdict passed by the learned Single Judge. A copy of the judgment dated 21.07.2016 passed by the Bench in Writ Appeal No. 310 of 2016 arising from Writ Petition (C) No.250 of 2014 is placed for perusal of this Court. It is submitted across the Bar, including from the part of the State, that since the issue has already been finalized by a Bench of this Court, these appeals also could be disposed off in similar line.

5. In the said circumstances, we hold that these appeals are liable to be disposed off in terms of the verdict dated 21.07.2016 passed by this Court in Writ Appeal No.310 of 2016.
6. Both the writ appeals are disposed off as above.

Sd/-
(P.R. Ramachandra Menon)
Chief Justice

Sd/-
(Goutam Bhaduri)
Judge