

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1342 of 2020

1. Sandeep Shrivastava, S/o Late Shri Jainarayan Shrivastava, Aged About 49 Years, R/o Jabbal Tower, Civil Lines Raipur, District Raipur, Chhattisgarh
2. Neena Shrivastava, W/o Shri Sandeep Shrivastava, Aged About 50 Years, R/o Jabbal Tower, Civil Lines Raipur, District Raipur, Chhattisgarh

---- Petitioners

Versus

1. The State Of Chhattisgarh Through- The Secretary, Department Of Urban Administration, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh
2. Municipal Corporation, Raipur Through Municipal Commissioner Raipur, Chhattisgarh
3. Deputy Commissioner (Bazar) Municipal Corporation Raipur, Chhattisgarh

-----Respondents

For Petitioners	:	Mr. Sandeep Dubey, Advocate
For State	:	Mr. Vivek Ranjan Tiwari, Addl. A.G.
For Resp. No. 2 & 3	:	Mr. Pankaj Agrawal, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

30.09.2020

1. The present writ petition has been filed seeking quashment of the public notice dated 16.03.2020 and 15.06.2020 (Annexure P-1) collectively passed by the Respondent No. 2-Municipal Corporation-Raipur.
2. The contention of the counsel for the petitioners all along is that the petitioners were operating their shops from the Subhash Stadium Complex. However, subsequently they were asked to vacate the premises in order to rebuilt the stadium complex. The petitioners

against the said cancellation of allotment had preferred two writ petitions ie., WPC No. 2545 of 2014 and WPC No. 2560 of 2014. The two writ petitions were disposed off on 19.12.2014 and 24.12.2014 respectively. The writ petitions were disposed off on an undertaking given by the Municipal Corporation-Raipur stating that the petitioners shall be allotted some other shops, subject to fulfillment of the terms and conditions.

3. According to the counsel for the petitioners, inspite of an offer/undertaking being made by the Municipal Corporation in the year 2014 but now when the auction is taking place for all the shops at Subhash Stadium Complex, the petitioners have not been given preferential right or any benefit on their being the earlier allottees of the said shops. During the course of hearing of the present writ petition, the Municipal Corporation has filed a proposal before this Court. In the present writ petition whereby they have made an offer/given an undertaking that the petitioners if they want shall be allotted the shops at the offset price fixed by the Corporation whereas so far as the other bidders are concerned, they will be allotted on the basis of the rates above the offset price quoted by each of the claimants.
4. Given the fact that the respondents have already given an undertaking that the petitioners shall be provided with a preferential treatment of availing the shops at the offset price, the substantial grievance of the petitioners as of now stands redressed.
5. However, Mr. Sandeep Dubey, Advocate appearing for the petitioners submits that present auction is the fifth auction that the Municipal

Corporation is conducting and in all the previous auctions, they could not get bidders at the offset price that was quoted? He further submits that offset price that was given in the previous advertisement has been reduced substantially in the present advertisement which is under challenge in the present writ petition. The apprehension of the petitioners is that even this time, there is all possibility that there would be no takers of the said shops at the said offset price. It was also contended by the petitioner that as of now the petitioners are not in a position to bid at the given offset price as the price fixed as offset price is exorbitant and beyond their reach. It was further contended by Shri Sandeep Dubey, Advocate that there can also be a situation where if the petitioners accept the shops at the given offset price today, the respondents may finalize the same in the name of the petitioners and at the same time, for the remaining shops for which there would be no takers they may go in for a fresh advertisement at a further lower offset price thereby the petitioner would be substantially put to loss.

6. The counsel for the petitioners at this juncture, makes a proposal that let the writ petition be disposed off on an undertaking given by the Municipal Corporation-Raipur that all the petitioners be given a preferential right for allotment of the said shops at the offset price. According to the counsel for the petitioners, the offset price as of now since it was reduced substantially as compared to the previous advertisement, there is all likelihood of a fresh advertisement being issued at a later stage and at that point of time, whatsoever would be the offset price the petitioners would have the option for applying for

the same, if the offset price is acceptable to the petitioners.

7. This proposal/offer made by the counsel for the petitioners was acceptable to the counsel for the Municipal Corporation who submits that offset price may also be increased at a later stage and in that event, the petitioners would have to apply for the said shops at that offset price and not at the reduced price. This again is acceptable to the counsel for the petitioner.
8. In the light of the offer/proposal made by the counsel for the parties, this Court is of the opinion that the writ petition at this juncture stands disposed off leaving it open for the petitioners to apply for the allotment of shop if at all, if the Municipal Corporation goes in for a fresh advertisement at a later stage. However, it would be the offset price that would be fixed at the time of publication of the new advertisement that would have to be quoted by the petitioner even if the price is increased or decreased, as the case may be.
9. It is further made clear that the Respondent Corporation will however have the liberty to proceed with the present advertisement and if they get suitable bidders in terms of the advertisement, they shall have full power to allot those shops to those allottees.
10. With the aforesaid observation, the present writ petition stands disposed off. Interim relief earlier granted by this Court on 25.06.2020 which was modified on 02.07.2020 both stand vacated.

Sd/-
(P. Sam Koshy)
Judge