

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 336 of 2020

(Arising out of order dated 09.06.2020 passed by the learned Single Judge in WPC No. 1119/2020 and connected cases)

- Ashish Nag S/o Late Shri Sounind Kumar Nag Aged About 56 Years R/o A/34, Kota Housing Board Colony, Raipur, Tehsil And District Raipur (Chhattisgarh) 492001

---- Appellant

Versus

1. State of Chhattisgarh Through Secretary, Urban Administration And Development, Mahanadi Bhawan, Mantralaya, Capital Complex, Atal Nagar, New Raipur, District Raipur Chhattisgarh.
2. Raipur Development Authority Through Its Chief Executive Officer, Raipur Development Authority, Bhakta Mata Karma Commercial Complex, New Rajendra Nagar, Raipur, Chhattisgarh.
3. Chief Executive Officer Raipur Development Authority, Bhakta Mata Karma Commercial Complex, New Rajendra Nagar, Raipur, Chhattisgarh.
4. Devendra Kumar Diddee S/o Late Harnarayan Diddee Aged About 45 Years R/o House No.19, Behind Government School Ram Manohar, Lohiya Nagar, Raipur, District- Raipur, Chhattisgarh, Through Power Of Attorney Holder Umesh Kumar Diddee S/o Devendra Kumar Diddee, Aged About 45 Years, R/o House No. 19, Behind Government School Ram Manohar, Lohiya Nagar, Raipur, District- Raipur, Chhattisgarh
5. Rajendra Kumar Jaiswal S/o Late Jamuna Prasad Jaiswal Aged About 50 Years R/o Fafadih, Raman Mandir, Raipur, District Raipur Chhattisgarh, District Raipur Chhattisgarh.
6. Sadhana Jaiswal S/o Rajendra Kumar Jaiswal Aged About 50 Years R/o Fafadih, Raman Mandir, Raipur, District Raipur Chhattisgarh, District Raipur Chhattisgarh.

---- Respondents

For Petitioner	: Shri Akhilesh Mishra, Advocate
For Respondent No.1/State	: Shri Sudeep Agrawal, Dy. Advocate General
For Respondent No.2 & 3	: Shri Ashish Shrivastava, Advocate

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

Hon'ble Shri Parth Prateem Sahu, Judge

Judgment on Board

Per, Parth Prateem Sahu, Judge

25.09.2020

1. Challenge in this appeal is to the order dated 09.06.2020 passed by the learned Single Judge in WPC No.1119/2020 and other connected writ petitions.

2. The grievance projected in this appeal is that the Appellant is owner of the Shop No. D/17 situated at Bombay Market, Raipur for last many years as tenant. Upon going through the impugned order, particularly, the paragraph 3, wherein the grievance projected by the Petitioners therein are that after expiry of lease on 31.03.2019, those Petitioners have moved a fresh application for renewal of lease. Vide order/letter Annexure-P/2 therein dated 17.03.2020, the Petitioners therein were intimated, that the authorities are not intended to renew the lease, but have taken a decision to sell the property through auction.
3. Going through the aforementioned facts of those cases, wherein an individual letter has been sent to the Petitioner in WPC No.1119/2020 for non renewing the lease and showing the intention of the Respondent No.2 to put the Shops on auction sell, the Petitioner cannot be aggrieved from the impugned order. The Appellant in this appeal has made prayer as under :

"It is therefore, prayed that this Hon'ble Court may kindly be pleased to allow this writ appeal and may kindly be quashed/set aside the order dated 09.06.2020 passed by Hon'ble Single Bench, in bunch of petition W.P.(C) No.1119, 1124 and 1129 and allow the relief claim in the writ petition may kindly be granted, in the interest of justice."
4. The Appellant is in a possession of a different Shop and subject matter of the writ petition in WPC No.1119/2020 is of different Shop and therefore, no relief can be granted like setting aside of the impugned order

dated 09.06.2020 in WPC No.1119/2020 and connected cases because the Appellant is not party to those writ petitions. The appeal challenging the order dated 09.06.2020 passed in WPC No.1119/2020 at the behest of the Appellant is not maintainable and it is hereby dismissed.

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

Sd/-
(Parth Prateem Sahu)
Judge

Chandra