

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 1868 of 2020**

1. Pradeep Jain, S/o Late Pukhraj Jain, Aged About 54 Years R/o Lohar Para, Tah.- Rajnandgaon, Civil And Revenue District Rajnandgaon Chhattisgarh.
 2. Narendra Jain, S/o Late Poonam Chand Jain, Aged About 54 Years R/o Ramadhin Marg, Tah.- Rajnandgaon, Civil And Revenue District Rajnandgaon Chhattisgarh
- Petitioners**

Versus

1. State Of Chhattisgarh, Through - Secretary, Urban Administration And Development Department, Mahanadi Bhavan, Mantralaya, New Raipur, District Raipur Chhattisgarh.
 2. Municipal Corporation Rajnandgaon, Through Its Commissioner, District - Rajnandgaon Chhattisgarh
- Respondents**

For Petitioners	:	Mr. Rakesh Kumar Thakur, Adv.
For State	:	Mr. Vivek Ranjan Tiwari, Addl. A.G.
For Respondent No. 2	:	Mr. Sourabh Sharma, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****03/09/2020**

1. The relief sought for by the petitioners in the present writ petition is for an appropriate direction to the respondent No. 2 for releasing the property reserved under the Economic Weaker Section scheme upon the petitioners making payment of shelter fees.
2. Counsel appearing for the respondent No. 2 submits that the scheme which permitted releasing of the said property reserved on payment of shelter fees was for the first time introduced in the 2006, whereas the petitioners were granted the permission to develop the property way back in the year 2000. When the permission was granted, such rule was not applicable and therefore the petitioners prima facie do not have right/claim over the reserved property for EWS.
3. Counsel for the respondent No. 2 submits that let the petitioners make a detailed representation in this regard to the respondent No. 2, the same shall be considered and decided in accordance with law at the earliest

and that their claim shall be decided on the basis of law which was prevalent on the date when the permission was granted.

4. In view of the submission made by the counsel for the respondent No. 2, the writ petition at this juncture is disposed of, directing the petitioner to make a fresh representation to the respondent No. 2. In addition to the representation that he has made earlier and the respondent No. 2 in turn shall decide the representation in accordance with law on its own merits at the earliest preferably within a period of 4 months from the date of receipt of copy of this order.
5. With the aforesaid direction, the writ petition accordingly stands disposed of

Sd/-

(P. Sam Koshy)
Judge

Jyotijha