

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 3236 of 2017**

1. Dr. Satya Biswas S/o Late T.C. Biswas Aged About 83 Years R/o 3/40, Civil Lines, Raipur, District- Raipur, Chhattisgarh, Chhattisgarh
2. Smt. Mamta Devi W/o Shri Amarlal Aged About 55 Years R/o Budhapara, Near Kothari Hospital, Raipur, District- Raipur, Chhattisgarh, District : Raipur, Chhattisgarh
3. Narayan Das Aged About 55 Years R/o Budhapara, Near Kothari Hospital, Raipur, District- Raipur, Chhattisgarh, District : Raipur, Chhattisgarh
4. Smt. Priya Bajaj W/o Shri Vijay Bajaj Aged About 53 Years R/o Katora Talab, Near Bank Of Maharashtra, P.S. Civil Lines, Raipur, District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh
5. Chainraj Baradiya S/o Shri Ranglal Baradiya Aged About 60 Years R/o Suraj Baradiya Niwas, C-181, Tagore Nagar, Sadar Bagicha, P.S. Tikra Para, Raipur, District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh
6. Neena Shrivastava W/o Shri Sandeep Shrivastava Aged About 48 Years R/o Jabbal Tower, Civil Lines Raipur, District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh
7. Sandeep Shrivastava S/o Late Shri Jainatayan Shrivastava Aged About 46 Years R/o Jabbal Tower, Civil Lines Raipur, District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh

---- Petitioners**Versus**

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

4. Sandeep Shrivastava S/o Late Shri Jainatayan Shrivastava Aged About 46 Years S/o Jabbal Tower, Civil Lines Raipur, District Raipur, Chhattisgarh. ,
District : Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Shantam Awasthi, Advocate
For State	:	Mr. Vivek Ranjan Tiwari, Addl. AG
For Res. 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 was filed questioning the advertisement Annexure P-1 dated 09.11.2017. For ready reference the relief clause in the present writ petition is reproduced hereinunder :-

“(i) To kindly quash the impugned public auction notice dated 09/11/2017 issued by the respondent no.2 Municipal Corporation Raipur (C.G.) and also quash all such consequential action on the basis of public notice dated 09/11/2017.

(ii) To kindly direct the respondents to allot similar numbers/similar size of shops to the petitioners which they were allotted and occupied in Subhash Stadium Raipur immediately.

(iii) To kindly make any other order that may be deemed fit and just in the facts and circumstances of the case including awarding of the costs to the petitioner.”

2. Pending the writ petition before this Court since the advertisement Annexure P-1 dated 09.11.2017 did not fetch any bidders, the said advertisement stood dropped and respondents thereafter have issued multiple advertisement for the allotment of shops at the Netaji Subhash Stadium Complex. The latest advertisement issued in this regard is on 16.03.2020 and the said advertisement is already under challenge by a separate writ petition i.e. WPC 1342/2020.
3. In the course of the hearing of the writ petition 1342/2020 the respondent Municipal Corporation have filed a proposal as an undertaking on behalf of the Municipal Corporation, Raipur by way of an affidavit given by Shri R. K. Dongre, Dy. Commissioner, Municipal Corporation, Raipur proposing to give preferential right to the petitioners subject to their bidding for their shops in the Subhash Stadium Complex and proposal was that subject to the petitioners bidding, they shall be allotted the shops at the offset price.
4. Counsel for the petitioner submits that Municipal Corporation has acted upon arbitrarily for the reason that similarly placed persons who were evicted from the different complexes were accommodated at the different place by the Municipal Corporation whereas no such benefit was extended to the petitioners. Counsel for the Municipal Corporation submits that status of those persons were different and

that those persons were also allotted the shops at the offset price which has also been offered to the petitioners.

5. Today when the matter is taken up counsel for the Municipal Corporation submits that offer was made in WPC 1342/2020 shall also be applicable to the petitioners in the present writ petition except petitioner No.4 who was not a petitioner in the two writ petitions i.e. WPC 2545/2014 & WPC 2560/2014 disposed of on 19.12.2014 & 24.12.2014, which was disposed off on the undertaking given by the Municipal Corporation.
6. In view of the undertaking so made by the counsel for the Municipal Corporation and also offer made by the Corporation in writing in WPC 1342/2020, this Court is of the firm view that present writ petition i.e. WPC 3236/2017 has rendered infructuous for the reason that the advertisement dated 09.11.2017 does not exist any further as it stands dropped/quashed.
7. In the light of the subsequent advertisement issued and considering the relief sought for, it has become inconsequential and the second relief was for allotment of the shops at Netaji Subhash Chandra Bose Stadium Complex which respondents have now offered to the petitioners subject to terms and condition. Thus, the said relief also stands met subject to the petitioners fulfilling the terms and conditions for allotment.

8. It is made clear that the offer that was made by the Municipal Corporation would be confined to only those petitioners who were petitioners in the two writ petitions i.e. WPC 2545/2014 & WPC 2560/2014 disposed of on 19.12.2014 & 24.12.2014 respectively.
9. With the above direction/observation, this writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit