

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No. 2651 of 2020

Smt. Kavita Pandey Wd/o Shri Tribhuvan Pandey Aged About 41 Years
Resident of Village Sakri, Police Station Sakri, District Bilaspur
Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through The Secretary, Urban Administration And Development Department , Mahanadi Bhawan, Mantralaya , Nawa Raipur Chhattisgarh.
2. The Collector Bilaspur , District Bilaspur Chhattisgarh.
3. The Zone Commissioner Sakri, District Bilaspur Chhattisgarh.
4. The Chief Municipal Officer Nagar Pachayat, Sakri , District Bilaspur Chhattisgarh.

---Respondents

For Petitioner	:	Shri Dashrath Prajapati, Advocate.
For Respondent-State	:	Shri Sudeep Verma, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

09.11.2020

1. The grievance of the petitioner seems to be the alleged inaction on the part of the respondent No.4 in not providing any alternative shop at the newly constructed complex under Atal Bazar Scheme at Nagar Panchayat, Sakri.
2. The contention of the petitioner was that the petitioner was one of those persons who were running small shop at the site where the respondent No.4 has now constructed a complex under Atal Bazar Scheme. According to the petitioner, since he was being dispossessed for the purpose of construction of the said complex, he was entitled for an alternative shop. In between the petitioner seems to have preferred a writ petition on the very same issue which was disposed of directing the respondents to consider and decide his representation. The same was also followed by a Contempt proceeding which also was disposed of directing the respondent authorities to decide representation within a stipulated period.

Subsequently, the respondents have now rejected the claim of the petitioner which has led to the filing of the subsequent writ petition.

3. At the outset, perusal of record would show that there was no legally enforceable right created in favour of the petitioner. The petitioner at no point of time was granted any assurance on behalf of the respondents of being allotted a shop under the Atal Bazar Scheme. The petition have all the right to participate in the allotment proceeding which is by way of an auction and the petitioner's price if quoted is found to be the highest, there is no reason why the petitioner should not get the shop allotted in his name.
4. Since there was no assurance whatsoever given by any of the respondents of an alternative shop under the Atal Bazar Scheme, the petitioner does not seem to have made out a strong case for a specific direction to the respondents.
5. Accordingly, reserving right of the petitioner to participate in the allotment proceeding, the writ petition at this juncture stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

inder