

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (C) No. 2616 of 2020

1. Sushil Samnani S/o Bhagwan Das Samnani Aged About 53 Years R/o Behind Guru Ghasidas School, Kasturba Nagar, Bilaspur, Bilaspur District, Chhattisgarh State.
2. Smt. Rani Samnani Aged About 50 Years R/o Behind Guru Ghasidas School, Kasturba Nagar, Bilaspur, Bilaspur District, Chhattisgarh State.

---Petitioner(s)

Versus

1. Municipal Corporation Bilaspur Through Its Commissioner, Municipal Corporation Office, Bilaspur, Chhattisgarh State Pin 495001.
2. District Collector Collectorate, Bilaspur, Chhattisgarh State.
3. Tahsildar, Tahsil Office, Bilaspur.

---Respondents

For Petitioners	:	Shri Manoj Kumar Sinha, Advocate.
For Respondent No.1	:	Shri Pankaj Agrawal, Advocate.
For State	:	Shri Mateen Siddique, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

03.11.2020

1. The challenge in the present writ petition pertains to widening of road at the Old Bust Stand area, Bilaspur known as Imlipara. The notices have been issued calling upon objections from the persons interested before the Tehsildar, Bilaspur. The notices were issued as early as on 07.08.2020 and objections, if any, were to be submitted by 26.08.2020.
2. The contention of the petitioners is that the petitioners have been operating their shop of selling Incense Stick (agarbattis) in a shop over which the lease was granted by the Municipal Corporation, Bilaspur in the year, 2007. According to the petitioners, the lease granted in favour the petitioners are for 30 years and the lease would expire only in the year, 2035. Therefore, as on date they have a valid lease in their name. That, if at all if the respondents intended to evict the petitioners it could had been done only after the expiry of the lease period and not before that. It was

also the contention of the petitioners that the petitioners ought to have been granted an alternative shop and thereafter they should have evicted from the present place.

- 3.** At this juncture learned counsel appearing for the Municipal Corporation on advance notice submits that he has instructions to state that if the petitioners want an alternative shop elsewhere, the petitioners may make a suitable representation in this regard which the Municipal Corporation may consider and thereafter they may be evicted from the said shop or in the alternative the Corporation proposes to develop shops on either side of the widened road as per the project and each petitioners would be entitled for one of the shop in those shopping complex. That would be possible only after the petitioners vacate the property now and permit the Corporation to widen the road and to construct shopping complex on the either side of the road thereafter. Under both the circumstances, the petitioners have to give their option before the Corporation at the earliest.
- 4.** Given the submissions by the counsel for the Municipal Corporation, this court is of the opinion that the suggestion so made by the Corporation seems to be fair and reasonable taking into consideration the need of the hour which is the widening of the road particularly at that location where there is too much of traffic congestion, and a situation, it is very difficult for the traffic movement at that area.
- 5.** The petitioners are directed to move appropriate representation to the respondent No.1 in this regard, who, in turn, shall take an appropriate decision at the earliest. Let the petitioners approach the respondent No.1 within a period of 10 days from today with clear mentioning option that has been offered by the Municipal Corporation and the Corporation in turn shall take a decision within a period of 30 days from the date of receipt of

representation by the petitioners. Till then the respondents are directed not to take any co-ercive steps pursuant to Annexure P/1 dated 07.08.2020 so far as petitioners are concerned.

6. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

inder