

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 2744 of 2020

Smt. Shashi Kanda, Wd/o. Late Shri S.K. Kanda, Aged About 68 Years,
M.I.G.-6 Vaishali Nagar, Bhilai, District Durg (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, Department Of Urban Administration And Development, Mantralaya, Mahanadi Bhawan, Nawa Raipur, District Raipur (Chhattisgarh)
2. Municipal Corporation Bhilai, Through Commissioner, Municipal Corporation Bhilai, Bhilai, District Durg (Chhattisgarh)
3. Commissioner, Municipal Corporation Bhilai, Bhilai, District Durg (Chhattisgarh)
4. Deputy Commissioner Estate, Municipal Corporation Bhilai, Bhilai, District Durg (Chhattisgarh)

---- Respondents

For Petitioner : Mr. Ashish Surana, Advocate.

For State/Respondent No.1 : Ms. Richa Shukla, Dy. Govt. Advocate

For Respondents No.2 to 4 : Mr. H.B.Agrawal, Sr. Advocate with
Mr. Amit Tirkey, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

17.11.2020

1. Learned counsel for the petitioner submits that the husband of the petitioner namely S.K.Kanda was allotted a shop in the year 1990 thereafter the petitioner who is wife of S.K.Kanda continued in possession of the shop and was paying the rent. On 09.07.2019 by Annexure P-5 a letter was served by the petitioner that the shop may be registered in name of the wife of S.K.Kanda, who is the legal heir. Thereafter, the rent was not being accepted by respondent No.2 and from January, 2019 Rs.9,030/- besides till date was remained to be paid. The petitioner though tried to tender, however, the same was not accepted. He would submit that the letter was given by the

petitioner to transfer her name since the tender of the rent was not accepted by the respondents; however, by order dated 19.10.2020 a notice has been issued wherein it has been stated that the allotment made to the husband of the petitioner is canceled. He further submits that Annexure P-1 is addressed to a dead person and without any enquiry, the order has been passed. Learned counsel for the petitioner further submits that the petitioner is ready to tender the entire arrears from January, 2019 till date and she may be given an opportunity of hearing. He further submits that implementation of Annexure P-1, which is addressed to a dead person, cannot be effected.

2. Learned counsel for the respondents submits that the petitioner may be directed to furnish the death certificate so that the necessary amendment can be carried out.
3. Perusal of Annexure P-1 would show that the notice has been issued to a dead person. Since the notice has been addressed to a dead person, the same would be nullity and cannot be implemented and accordingly it is quashed. The petitioner who is a widow of Late S.K.Kanda may approach to the Municipal Corporation Bhilai alongwith the death certificate of her husband and may tender arrears of entire rent from January, 2019 and along with it she may file the necessary application for mutation of her name. Thereafter, the Municipal Corporation Bhilai shall act upon it in accordance with law.
4. With the aforesaid observation, the petition stands disposed of.

Aks

Sd/-
(Goutam Bhaduri)
Judge