

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 545 of 2021

1. Ajay Gupta S/o Late Sh. Harkishan Lal Gupta, Aged About 57 Years Shop No. 4 Ghadi Chowk, Baikunthpur District Koriya Chhattisgarh.,
2. Dinesh Chandra Gupta S/o Late Sh. Ramavtar Gupta, Aged About 65 Years Shop No. 1 Ghadi Chowk, Baikunthpur District Koriya Chhattisgarh.
3. Ghanshyam Das S/o Sh. Udhodas, Aged About 57 Years Shop No. 2 Ghadi Chowk, Baikunthpur District Koriya Chhattisgarh
4. Praveen Kumar Jaiswal S/o Late Sh. Mangal Prasad, Aged About 56 Years Shop No. 3 Ghadi Chowk, Baikunthpur District Koriya Chhattisgarh.,
5. Anurag Dubey S/o Sh. Beni Madhav Dubey, Aged About 53 Years Shop No. 5 Ghadi Chowk, Baikunthpur District Koriya Chhattisgarh.

---- Petitioners

Versus

1. State Of Chhattisgarh Through Secretary Department Of Urban Administration, Mantralaya, Mahanadi Bhawan, Naya Raipur Chhattisgarh.
2. The Chief Municipal Officer, Municipal Council Baikunthpur, District - Koriya Chhattisgarh

---- Respondents

For petitioners – Mr. R.K. Gupta, Advocate.

For State – Mrs. Sunita Jain, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

08.02.2021

Heard.

1. Learned counsel for the petitioners submits that the petitioners were the allottee under a auction of certain shop from the Nagar Palika Parishad Baikunthpur Distt. Koriya (C.G.). They are in occupation of the shops since year 1987. The Nagar Palika Parishad Baikunthpur carried

out a resolution to enhance the rent from the retrospective date in the year 2014 thereafter the rent has been enhanced and called for. The petitioners have been called upon to deposit the enhanced rent from the year 1987. He submits that the respondent No. 2 is not authorized to call for such amount from the retrospective date. He further submits that since few of the petitioners were carrying on the shop the forceful ceiling of the shops were made, as such few of the petitioners have made the payment under coercion. It is submitted that under these circumstances, the petitioners have made a representation to the respondent No. 2 i.e. The Chief Municipal Officer Municipal Council Baikunthpur by Annexure P/4 dated 08.01.2021 about the demand of the amount to be illegal and it is prayed that the respondent No. 2 Chief Municipal Officer may be directed to decide the said representation of the petitioners within a stipulated time in as much as the demand per se is illegal.

2. Considering the limited prayer made as of now, the petitioners since have made a representation before the respondent No. 2 Chief Municipal Officer and pray that the said representation may be directed to be decided, therefore, the petitioners are given liberty to file a fresh representation along with the relevant documents before the respondent No. 2 Chief Municipal Officer within a period of two weeks and if such representation is filed, then the same shall be decided by the respondent No. 2 within a further period of four weeks.

3. It is further observed that till such representations are decided, no coercive steps for forceful dispossession or the ceiling shall be carried out

against the petitioner by the respondent authorities.

4. With the aforesaid observation/ direction, the writ petition stands disposed off.

Sd/-

(Goutam Bhaduri)

JUDGE