

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCC NO. 294 OF 2021**

1. Fagulal Singh, S/o Guman Singh, aged around 67 years, Occupation Vegetable Vendor, Sanjay Market Complex, Raigarh, Tahsil & District Raigarh (CG)
2. Suresh Kumar, S/o Mewaldas, aged around 45 years, Occupation Vegetable Vendor, Sanjay Market Complex, Raigarh, Tahsil & District Raigarh (CG)
3. Santosh Kumar, S/o Laxminarayan, aged around 42 years, Occupation Vegetable Vendor, Sanjay Market Complex, Raigarh, Tahsil & District Raigarh (CG)
4. Ashok Kumar, S/o Sakharam, aged around 50 years, Occupation Vegetable Vendor, Sanjay Market Complex, Raigarh, Tahsil & District Raigarh (CG)
5. Nautandas, S/o Late Kundan Das, aged around 37 years, Occupation Vegetable Vendor, Sanjay Market Complex, Raigarh, Tahsil & District Raigarh (CG)
6. Harish Kumar, S/o Motiram, aged around 39 years, Occupation Vegetable Vendor, Sanjay Market Complex, Raigarh, Tahsil & District Raigarh (CG)

... Applicants**versus**

1. State of Chhattisgarh, through the Secretary, Department of Urban Administration, Mahanadi Bhawan, New Raipur, Tahsil & District Raipur (CG)
2. The Collector, Collectorate, Raigarh, District Raigarh (CG)
3. The Municipal Corporation, Raigarh, through the Commissioner, Thana City Kotwali, Tahsil & District Raigarh (CG)
4. Krishi Upaj Mandi Samiti, Raigarh, through- the Secretary, Krishi Upaj Mandi Samiti, Raigarh, Thana, Tahsil & District Raigarh (CG)
5. Phutkar Sabji Phal Vikreta (Vyapari) Sangh Dainik Sabji Bazar, Raigarh, through Secretary, Krishna Kumar Kachwaha, S/o Late Changa Prasad Kachwaha, aged about 51 years, Postal Add- Sanjay Complex, Sabji Mandi, Thana City Kotwali, Tehsil & District Raigarh (CG).

... Non-applicants

For Applicants	:	Mr. Hari Agrawal, Advocates.
For Non-applicant/State	:	Mr. Akanksha Jain, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy
Order on Board

22/06/2021

1. The present MCC has been filed by Applicants seeking clarification of the Order dated 27.1.2021 passed by this Court in a bunch of Writ Petitions, leading case of which was WPC No.711/2013.
2. The said order dated 27.1.2021 was passed in the light of the undertaking given by the Municipal Corporation, Raigarh in those Writ Petitions and which was accepted by each of the Petitioners therein. Applicants herein are not the party to any of those Writ Petitions. They have filed the present MCC only the ground of an alleged threat of they being dispossessed, particularly keeping in view the protection that the Petitioners enjoy by virtue of the order passed by the Madhya Pradesh High Court in WP No.1215/1998 wherein certain protection is said to have granted to Petitioners vide Order dated 4.5.1998.
3. Learned Counsel for Applicants during the course of hearing submits that though there is no show cause notice issued to Applicants but yet there is an oral threat being given for dispossessing the Applicants from the possession of the shops that they have in the Sanjay Complex.
4. This Court is of the firm view that, the said allegation and contention of Applicants cannot be taken note of for the purpose of clarifying the Order dated 27.1.2021. If at all, if the Applicants are aggrieved of any action on the part of the Municipal Corporation, Raigarh, the same would be a fresh cause of action so far as the Applicants are concerned and the only remedy available to Applicants would be to take appropriate legal remedies afresh and not by filing application for clarification of order in an already disposed of Writ Petition filed by some third persons and where the Writ Petitions were disposed of in the light of a mutual acceptance of the conditions provided by the Municipal Corporation in respect of Petitioners therein.

5. Reserving the right of Applicants to take appropriate legal remedies open to them, the present MCC at this juncture sans merit and the same thus deserves to be and is accordingly is dismissed.

Sd/-
(P. Sam Koshy)
Judge

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