

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 4295 of 2021

- Shatruhan Dani son of Late Shri Radheshyam Dani Aged About 42 Years, resident of Ward No 15 Maruti Ward Kawardha P.S. - Kawardha District- Kabirdham . Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh, Through Secretary Department of Rural Administration and Development, Mantralaya, P.S. Mandir Hassaud, Atul Nagar Raipur. District Raipur Chhattisgrah
2. Director, Directorate of Rural Administration and Development Department, Block - D, Fourth Floor Indravati Bhawan, Naya Raipur. District - Raipur Chhattisgarh
3. Joint Director, Rural Administration and Development Department, Durg, District- Durg. Chhattisgarh
4. Chief Municipal Officer, Nagar Palika Parishad, Kawardha, District Kabirdham. Chhattisgarh

----Respondents

For Petitioner – Shri Ajit Singh, Advocate.

For State/respondents – Shri Shreya Mishra, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

27-10-2021

Heard.

1. It is submitted that the petitioner was proprietor of a kirana shop in manihari line area Kawardha. Respondent No.4 decided to shift the market from manihari line area to Navin Bazaar. The petitioner was allotted shop No.28 in Navin Bazaar under the rehabilitation scheme. The petitioner and other allottees were not satisfied with the allotments, therefore, they moved representations for allotment in suitable place. The municipal council by resolution dated 23-02-2019 allotted the petitioner a land admeasuring 15 x 20 square feet by the side of Navin market on condition that the petitioner has to construct the shop at his own cost after approval of the construction plan by the respondents.
2. The petitioner has completed the formalities and submitted the

construction plan including map and estimate praying for sanction of construction, on which the respondent authorities have not taken any decision. It is submitted that respondent No.4 has not granted sanction for construction and the matter has been forwarded to respondent No.2 for approval mentioning that the land allotted to the petitioner belongs to the State Government, therefore, only after approval of respondent No.2 the sanction can be granted.

3. It is submitted that the petitioner had earlier filed WPC No.1125/2021 which was disposed off on 22-06-2021 in which it was specifically ordered directing respondent No.4 to exercise power under Section 187 read with Section 306 of the Chhattisgarh Municipalities Act, 1961 (in short 'the Act, 1961'). The respondents have not complied with that order because of which a contempt petition No.657/2021 was filed, subsequent to which, the present petition has been filed by which the petitioner is praying for issuance of appropriate directions.

4. Considered on the submission. Perused the documents in record of the petition. Respondent No.4 has sent a communication to the petitioner dated 05-10-2021 (Annexure-P/18) mentioning that the land allotted to the petitioner was not the land of Municipal Council Kawardha and it being a Government land the matter has been referred to the State Government for approval and only after the approval is granted respondent No.4 will be in a position to exercise the authority under Section 187 read with Section 306 of the Act, 1961. Considering that there is necessity of completion of legal formalities before respondent No.4 would be able to exercise the authority as directed by this Court in WPC No.1125/2021, this petition is also fit to be disposed off at motion stage. Therefore, the petition is disposed off and respondent No.2 is directed to take into consideration the correspondence made by respondent No.4 at the earliest and take decision on the same preferably within a period of 60 days

from today. Subsequent to this decision respondent No.4 will be obliged to comply with the order passed by this Court in WPC No.1125/2021 and take decision at the earliest.

5. The petition is disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil