
(2018) 07 CHH CK 0365
Chhattisgarh High Court
Case No: WPIL No. 143 Of 2017

Santosh Namdev

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

Date of Decision: July 30, 2018

Hon'ble Judges: Ajay Kumar Tripathi, CJ; Prashant Kumar Mishra, J

Bench: Division Bench

Advocate: Amrito Das, YS Thakur, Pankaj Agarwal, Kishore Bhaduri

Final Decision: Disposed Of

Judgement

Ajay Kumar Tripathi, CJ

1. Heard.

2. This PIL has been preferred by the petitioner, who is supposed to be a Ward Councillor of Ward No.19 of Kawardha Municipality.

3. Though many issues were raised in the PIL but now the thrust of the argument of learned counsel for the petitioner is that the private respondents,

who are allottees of certain shops and what is known as 'Navin Bazar Complex', should be compelled to or saddled with payment of interest in deposit

of the balance amount of the auction specially since they were successful bidders and allotments came to be made in their favour by the Municipality.

4. Submission of learned counsel for the petitioner is that way back on 07.11.2014, the newly constructed shops by the Municipal Authorities were

auctioned. The successful bidders deposited initially 1/4th amount but the balance 3/4th amount which they were supposed to make over to the

Municipal authorities within the time frame indicated in the letter was not acted upon. It is alleged to be because of the indulgence or connivance with

some Municipal authorities. Because of the same, the Municipality did not earn the benefit of the auction in totality.

5. We are not getting into the details of the dispute and other litigations which were set into motion after the auction. The facts as they stand today are

that the allotments have been held to be valid. Even the balance amounts now have been deposited by the various shopkeepers by way of Demand

Drafts. Though because of the pending litigations, delay in decision making and process of approval, most of these private respondents have not been

given possession or occupation of the shops.

6. The decision which has been rendered by the Collector, Kabirdham to that extent should be allowed to rest, unless there is an affected party who

would like to assail the same.

7. The main issue therefore is delay of deposit of the balance amount, which is vexing the present petitioner. Let the matter be looked into by the

Chief Municipal Officer, Kawardha Municipal Council, Kawardha, District Kabirdham (CG), and whether there was any justification for the allottees

to not comply with the deposit of the balance amount and if there was none, whether they would be responsible to make payment of interest on the

delayed deposit.

8. The writ petition is accordingly disposed off in terms of the observations as above.