

(2019) 02 CHH CK 0259
In the Chhattisgarh High Court
Case No : Writ Petition No. 3965 Of 2005

Gopal Prasad Agrawal

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

Date of Decision : 18-02-2019

Acts Referred:

Citation : (2019) 02 CHH CK 0259

Hon'ble Judges : Prashant Kumar Mishra, J

Bench : Single Bench

Advocate : Yash Mourya, Anmol Sharma, Sourabh Sharma

Final Decision : Disposed Of

Judgement

Prashant Kumar Mishra, J

1. The writ petition has been preferred for a direction to the respondent No. 2 Municipal Corporation, Rajnandgaon to renew the lease for the petitioner's shop situated at Near Raipur Naka, Rajnandgaon.

2. The shop was leased out to the petitioner for a period of 10 years w.e.f., 01.02.1979, which was subsequently, renewed for another period of 10 years on 01.02.1995. His application for further renewal filed in December, 2004 was considered but the resolution was passed on 26.07.2005

(Annexure R/2-A) for not renewing the lease. However, subsequently, another resolution was passed on 28/02/2009 (Annexure P8 with rejoinder)

recommending renewal of the lease, but due to pendency of the writ petition, the Corporation has not taken any final decision in the matter.

3. In the document Annexure R/2-A, the Corporation mentioned that a shopping complex is proposed to be constructed over the subject area,

therefore, the lease cannot be renewed. However, there is no mention of

construction of any complex in the subsequent resolution Annexure-P/8.

Therefore, it is for the Corporation to decide the issue consciously depending upon its own future planning for the area.

4. For all the above stated reasons, instead of keeping this petition pending, I deem it appropriate to dispose of the writ petition with direction to the

Municipal Corporation to decide the petitioner's application for renewal of the lease of the shop situated at Near Raipur Naka, Rajnandgaon,

expeditiously, by a reasoned order. If the Corporation decides to pass any adverse order against the petitioner, it shall provide an opportunity of

hearing to the petitioner.

5. Accordingly, the writ stands disposed of. No order as to costs.