

Chattisgarh High Court**Smt. Komal Devi Punjabi vs State Of Chhattisgarh on 4 September, 2025**

1

2025:CGHC:45432

NAFR HIGH COURT OF CHHATTISGARH AT BILASPUR
WPC No. 828 of 2020
Smt. Komal Devi Punjabi, W/o Shankar Lal Punjabi, Aged About 48 Years, R/o
Ward No. 5 , Nagar Panchyat Nagri, District Dhamtari. ...
Petitioner versus
1 - State Of Chhattisgarh, Through Secretary, Urban Administration And
Development, Mahanadi Bhawan, Naya Raipur , Raipur, Chhattisgarh.
2 - Nagar Panchyat Nagri, Through Chief Municipal Officer, Nagar Panchyat,
Nagri , District Dhamtari, Chhattisgarh. 3 -
Tehsildar, Nagar Panchayat Nagri, District Dhamtari. ...
Respondents

For Petitioner : Ms. Priyanka Bajpai, Advocate appears on behalf of Ms. Surya Kawalkar Dangi, Advocate.

For Respondents No.1 & 3/State : Shri Ajit Singh, Govt. Advocate. For Respondent No.2 : Shri Vivek Shrivastava, Advocate appears on behalf of Shri Jintendra Pali, Advocate.

SB: Hon'ble Shri Justice Sanjay S. Agrawal Order On Board 04/09/2025

1) The petitioner has filed this petition seeking the following relief(s):-

"i. That this Hon'ble Court may kindly be pleased to NARESH KUMAR set aside the order issued by the respondent no.2 dated 25.02.2020 (Annexure P/1). Date:

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ii. That this Hon'ble Court may kindly be pleased to direct the respondent no.2, to not to interfere with the construction of the petitioner.

iii. That this Hon'ble Court may kindly be pleased to direct the respondent no.2 to compensate the petitioner for carrying out illegal part demolition by paying Rs.1,00,000/-.

iv. That this Hon'ble Court may kindly be pleased to direct the respondent no.2 to pay the cost of the petition amounting Rs. 25,000/- to the petitioner.

v. Any other relief, which this Hon'ble Court deems fit, in the facts and circumstances may also be granted in favour of the petitioner."

2) From the facts of the present case, it appears that in the meeting of Municipal Council, Nagri dated 01.10.2019 unconstructed shop at first floor at Indira Market Complex was allotted to the petitioner. Pursuant to the resolution dated 01.10.2019, an order was issued by the Chief Municipal Officer, Nagar Panchayat, Nagri on 23.10.2019 and the shop was allotted to the petitioner on lease for renewal every three years, premium of Rs. 50,000/-. It is also stated in that order that the petitioner has to pay Rs.460/- rent per month.

3) Learned counsel for the petitioner would submit that vide order dated 25.02.2020, the Chief Municipal Officer pursuant to the letter issued by the State Government dated 06.02.2020 directed the petitioner to remove the possession otherwise the construction so raised would be demolished. She would further submit that the appropriate resolution was passed by the Council on 01.10.2019 according to provisions of Section 109 of the CG Municipalities Act, 1961. She would also submit that the order impugned has been passed by the Chief Municipal Officer pursuant to an order passed by the State Government dated 06.02.2020, but no opportunity of hearing was afforded to the petitioner by respondent No.1. She would further contend that the shop has already been allotted to the petitioner and the petitioner has constructed the shop. She would argue that the decision taken by respondent No.2 is illegal, arbitrary and liable to be quashed.

4) On the other hand, learned counsels appearing for respondents No. 1 and 2 would oppose the submissions made by learned counsel for the petitioner. They would submit that a complaint was made and an inquiry was conducted where it was found that the shop was allotted to the petitioner contrary to the provisions of the CG. Municipalities (Transfer of Immovable Property) Rules, 1996 and therefore, an order was passed by the Secretary on 06.02.2020. They would also submit that the petition deserves to be dismissed.

5) I have heard learned counsel for the parties and perused the documents placed on the record.

6) Admittedly, a resolution was passed by the Municipal Council, Nagar Panchayat, Nagri on 01.10.2019 whereby the subject shop was allotted to the petitioner for a renewal every 3 years. The amount of premium i.e. Rs.50,000/- was deposited by the petitioner and the petitioner is still paying rent of Rs.460/- per month. A complaint was made, an inquiry was conducted behind

the back of the petitioner and a decision was taken by respondent No.1/Secretary for cancellation of allotment. The decision was taken by the Secretary without affording an opportunity of hearing to the petitioner, even a copy of the inquiry report was not supplied to the petitioner. Pursuant to the order passed by the Secretary/respondent No.1, respondent No.2 directed the petitioner to remove construction within 24 hours. The order issued by respondent No.2 on 25.02.2020 appears to be illegal and arbitrary and the same has been passed without affording proper opportunity of hearing to the petitioner. Further, the direction issued by respondent No.1 to respondent No.2 for the removal of the construction of the petitioner vide order dated 06.02.2020 is also not sustainable in the eyes of the law as the same was issued on the basis of the inquiry report which was never served upon the petitioner and further, no opportunity of hearing was afforded to the petitioner by the said authority.

7) Taking into consideration the above-stated facts, the order/notice dated 25.02.2020 (Annexure P/1) issued by respondent No.2 is hereby set aside and, the concerned respondent authorities are directed to afford proper opportunity of hearing to the petitioner and thereafter, may take action or conduct a fresh inquiry, if so advised.

8) With the aforesaid direction(s)/observation(s), this petition stands disposed of.

Sd/-

(Sanjay S. Agrawal) JUDGE Kamde

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