

CF 1002

Division Bench

**IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR****WRIT PETITION (C) NO. 163 OF 2011****PETITIONER:**

Raghav Advertising, Nathani Complex,  
Shyam Nagar, Raipur, Through Shri  
Ritesh Krishna Agrawal, S/o K.K.  
Agrawal, Aged about 35 years, R/o  
Behind I.T.I., Near Gurudwara, Shyam  
Nagar, Raipur, Distt. Raipur (C.G.)

175/102011  
V.R. Singh  
10/11/2011

**- VERSUS -****RESPONDENT:**

Municipal Corporation Ambikapur,  
Distt. Surguja Through the  
Commissioner, Municipal Corporation  
Ambikapur, Distt. Surguja (C.G.)

**WRIT PETITION UNDER ARTICLE 226 OF THE  
CONSTITUTION OF INDIA FOR ISSUANCE OF  
APPROPRIATE WRIT/WRITS, DIRECTIONS ETC., IN THE  
NATURE OF MANDAMUS, CERTIORARI AND/OR ANY  
OTHER SUITABLE WRIT OF LIKE NATURE**



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**HIGH COURT OF CHHATTISGARH : BILASPUR**

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**DB: Hon'ble Shri Abhay Manohar Sapre &**  
**Hon'ble Shri Manindra Mohan Shrivastava, JJ.**  
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**Writ Petition (C) No. 163 of 2011**

**PETITIONER**

Raghav Advertising

**Versus**

**RESPONDENT:**

Municipal Corporation, Ambikapur

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**Appearance:**

Dr. N.K. Shukla, Sr. Advocate with Shri Shailendra Shukla, counsel  
for the petitioner.

Shri Ajay Chandra, counsel for the respondent.  
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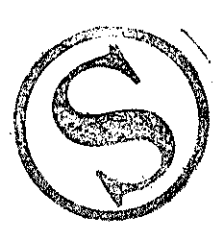
**ORDER**

(Passed on 30<sup>th</sup> April, 2012)

Heard.

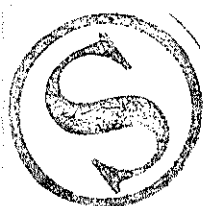
2. By filing this writ petition under Section 226/227 of the Constitution of India, the petitioner, a proprietary concerned and engaged in the business of advertisement, in substance, seeks to challenge the legality and correctness of the letter dated 24.12.2010 (Annexure P-3) issued by the Commissioner, Municipal Corporation, Ambikapur (respondent herein).

3. The petitioner entered into an agreement with the respondent on 19.12.2008 (Annexure P-1) for installation of hoardings in the city of Ambikapur known as "Illuminated Automatic Traffic Signals". According to the petitioner, though this agreement was entered into and was to remain in force for a period of 20 years, the same was cancelled by the respondent/Municipal Corporation vide impugned letter dated 24.12.2010 (Annexure P-3) without assigning any reason,



which gave rise to filing of this writ petition to challenge its legality and correctness.

4. The respondent was noticed of the writ petition. They have filed return, justifying the cancellation *inter alia* on factual and legal grounds.
5. After having heard learned counsel for the parties and on perusal of the records of the case and looking to the nature of factual contractual controversy arising between the parties, which essentially centres around to the terms of agreement dated 19.12.2008 (Annexure P-1), namely- whether cancellation of advertisement was legal or not and if so, what relief the petitioner or respondent, as the case may be, are entitled to claim in such circumstances against each other, we are inclined to dispose of this writ petition by referring this matter to the Secretary, Urban Administration and Development Department, Govt. of Chhattisgarh, Raipur, for his decision. Since we are referring this matter to the Secretary to decide and, therefore, we do not consider it proper to record any finding on the merits and demerits of the respective contentions raised by the parties in this petition, which is otherwise not possible to record in our writ jurisdiction being confined to legal issues only.
6. This petition is accordingly disposed of with following directions:
  - (i) Both the parties i.e. the petitioner and respondent shall approach the Secretary, Urban Administration and Development Department, Govt. of Chhattisgarh, Raipur and will submit their dispute before him within a period of one month from today, in relation to agreement dated 19.12.2008.
  - (ii) The Secretary shall then decide the dispute within a period of 3 months from the date of submission of the dispute by the parties, on the basis of respective claims of the parties in their statements filed before him.



- (iii) The Secretary shall afford adequate opportunity to the parties concerned to make their submissions.
- (iv) Depending upon the outcome of the proceedings, appropriate orders shall be passed by the Secretary by passing a reasoned order.
- (v) The parties will be at liberty to take recourse to appropriate remedy in accordance with law depending upon the final outcome of the proceedings before the Secretary.
- (vi) Till final decision of the Secretary, the interim order of this Court dated 4.2.2011 shall continue.

7. We hope that the Secretary shall decide the matter strictly in accordance with the law without being influenced by any extraneous considerations.

8. Certified copy as per rules.

Sd/-

Sd/-

(Abhay Manohar Sapre)  
J U D G E

(Manindra Mohan Shrivastava)  
J U D G E