

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1243 of 2015

1. Kelo Pravah A Daily Hindi Newspaper, Through Its Proprietor- Udai Ram Thawait Son Of Late Shri Bhakhau Ram Thawait, Aged About 74 Years, R/o Civil Lines, Raigarh, Distt. Raigarh (Chhattisgarh).

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue Disaster Management, Mahanadi Bhawan, Mantralaya, Naya Raipur, Mandir Hasaud, District Raipur (Chhattisgarh)
2. Commissioner, Bilaspur Division, Bilaspur (Chhattisgarh)
3. The Collector, Collectorate, Raigarh District Raigarh,(Chhattisgarh)

---- Respondents

For Petitioners.	:	Shri Amrito Das, Advocate.
For Respondent/State.	:	Shri R. K. Gupta, Dy. Advocate General

Order On Board

20/07/2015

Heard.

Learned counsel for the petitioner submits that the Government has cancelled the lease on the ground of violation of terms & conditions of the lease. Cancellation of lease has taken place on the ground that the petitioner, in violation of terms & conditions, opened up and started carrying out commercial activities by running shops and thus, converted the premises into a commercial complex. It is submitted by learned counsel for the petitioner that though, on the aforesaid allegations of violation of terms & conditions, lease has been cancelled, petitioner by that time, had already

taken steps to close the shops. According to learned counsel for the petitioner, commercial activities, if any, including shops have now been closed and there is no commercial activities going on in the leased premises. In these circumstances, as the petitioner is running the press and publishing newspaper, he intends to invoke Government's consideration in the matter in view of changed circumstances that no commercial activities would be carried out. Therefore, till representation of the petitioner is directed, his possession may be protected.

2. It is submitted that huge machinery worth crores of rupees have already been installed and there is also a permanent construction raised on the land for running press.

3. Learned counsel for the State opposes the petition and submits that petitioner can not claim any special treatment and continue with the lease despite violation of terms and conditions of lease merely because it is running a press and publishing newspaper. On that count, according to him, no special consideration can be given to the petitioner. Once there is violation of terms and conditions of lease, petitioner is not entitled to any relief.

4. Taking into consideration the submission particularly that reasons assigned for cancellation is that the petitioner acted in violation of terms and conditions of lease in opening shops and running commercial activities in addition to running of press in the leased premises, I am not inclined to interfere with the impugned order.

5. However, taking into consideration the submission made by learned counsel for the petitioner, particularly taking into consideration the fact that petitioner

was running a press and publishing a newspaper and a statement has been made that all the commercial activities have been stopped and the petitioner intends to again approach the State Government for reconsideration, it is observed that it will be open for the petitioner to invoke jurisdiction of the State Government in the matter on the basis of subsequent event and the stand that the shops which were constructed and commercial activities which were earlier being carried out, have now been removed. If the petitioner approaches the State Government by submitting fresh representation within a period of 15 days from today, the State may take into consideration the representation and pass such order as may be found appropriate, in the light of subsequent events, stated by the petitioner.

6. Though, a prayer has been made for granting interim protection against dispossession, as I have not interfered with the order of cancellation, I am not inclined to pass any interim order in favour of the petitioner. However, the petitioner may request to the State Government to allow it to continue till decision of his representation.

7. With the aforesaid observations/direction, the petition is finally disposed off.

Sd/-

Manindra Mohan Shrivastava

Judge