

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1387 of 2015

Aslam Khan S/o Shri Aman Ullah Khan, Aged About 54 years Resident Of Quarter No. 1/c, Road No. 33, Sector-8, Bhilai Nagar, Tahsil & District Durg (Chhattisgarh) Civil & Revenue District Durg

---- Petitioner

Versus

1. Steel Authority Of India Limited Bhilai Steel Plant, Town Services Department, Through Its General Manager, Bhilai Steel Plant, Bhilai, District Durg (Chhattisgarh)
2. The Estate Officer Under The Public Premises (Eviction Of Unauthorized Occupants) Act, 1971, Hindi Medium Middle School Bhawan, Maroda Sector, Bhilai Nagar District Durg (Chhattisgarh)
3. Maheswar, S/o Shri Gurudas, Aged About 59 Years Resident Of Camp-1, Road No.18, Near Patel Dairy, Police Station Chhawani, District Durg (Chhattisgarh)

---- Respondents

For Petitioner	-	Shri B.P. Sharma, Advocate with Shri Vivek Chopda, Advocate
For Respondents No.1 &2	-	Shri Shailendra Shukla, Advocate on advance copy.

Order On Board

10/08/2015

Heard.

1. The apprehension which has led the petitioner to file this petition is that in view of application filed by the respondents before the Estate Officer in pending eviction proceedings against respondent No.3 the original allottee, the petitioner may be evicted without following the mandatory procedure and opportunity of hearing prescribed under the provisions of Public Premises (Eviction of Unauthorized Occupants) Act, 1971 (for short “ the Act of 1971”).
2. Learned counsel for the petitioner argued that the original allottee has already been proceeded against and the petitioner is apprehending that in that pending proceedings, all of a sudden, an order may be passed against the petitioner in view of his proposed impleadment.
3. To dispel this apprehension, learned counsel for the respondents submits that when the respondents came to know that the premises are stated to be in actual occupation of the

petitioner and not the original allottee, application for impleadment has been filed. Till date, no orders have been passed by the Estate Officer.

4. The provisions of the Act of 1971 are clear and unambiguous. In order to evict a person who is in occupation, he is required to be given a notice as prescribed under the law and only after affording him opportunity of hearing in the manner prescribed under the Act of 1971, eviction order can be passed. In case, Estate Officer decides to implead the petitioner also as one of unauthorized occupant liable for eviction, the petitioner would be entitled to proper notice and opportunity as provided under the law.

5. With the clarification as stated above, the petition is disposed off.

Sd/-

Manindra Mohan Shrivastava

J U D G E

Rekha