

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 106 of 2015**

Goverdhan Prasad Chandrakar son of Shri Prithvinath Chandrakar, aged about 68 years, Shop No. C-36, Bombay Market, Police Station Maudhapara, Head Post Office, Raipur Chhattisgarh.

---- Appellant**Versus**

Raipur Development Authority, through its Chief Executive Officer-cum-Secretary, Bajrang Market, Shastri Chowk, G.E. Road, P.S. Maudhapara, Head Post Office, Raipur, Chhattisgarh.

---- Respondent**Writ Appeal No. 201 of 2015**

Gurmit Singh son of Sardar Pritam Singh, aged 67 years, Shop No. D-21, Bombay Market, Police Station Maudhapara, Head Post Office, Raipur Tahsil and District Raipur, Civil & Revenue District Raipur Chhattisgarh.

---- Appellant**Versus**

Raipur Development Authority, through its Chief Executive Officer-cum-Secretary, Bajrang Market, Shastri Chowk, G.E. Road, P.S. Maudhapara, Head Post Office, Raipur, Chhattisgarh.

---- Respondent**Writ Appeal No. 138 of 2015**

Rajinder Singh (HUF) Thro' Karta Rajinder Singh, son of Late Kesar Singh, aged about 72 years, Shop No. C-47 Bombay Market, Police Station Maudhapara, Head Post Office, Raipur Tahsil and District Raipur, Civil & Revenue District Raipur

---- Appellant**Versus**

Raipur Development Authority, through its Chief Executive Officer-cum-Secretary, Bajrang Market, Shastri Chowk, G.E. Road, P.S. Maudhapara, Head Post Office, Raipur, Chhattisgarh.

---- Respondent**Writ Appeal No. 135 of 2015**

Abdul Kadir Son of Late Abdul Gaffoor, aged about 66 years, Shop No. B-26, Bombay Market, Police Station Maudhapara, Head Post Office, Raipur Tahsil and District Raipur, Civil & Revenue District Raipur

---- Appellant**Versus**

Raipur Development Authority, through its Chief Executive Officer-cum-Secretary, Bajrang Market, Shastri Chowk, G.E. Road, P.S. Maudhapara, Head Post Office, Raipur, Chhattisgarh.

---- Respondent

Writ Appeal No. 139 of 2015

Jasbir Singh Bhatia son of Late Sdr. Santokh Singh Bhatia, aged 70 years, Shop No. C-58, A.N.Enterprises, Bombay Market, Police Station Maudhapara, Head Post Office, Raipur Tahsil and District Raipur, Civil & Revenue District Raipur

---- Appellant

Versus

Raipur Development Authority, through its Chief Executive Officer-cum-Secretary, Bajrang Market, Shastri Chowk, G.E. Road, P.S. Maudhapara, Head Post Office, Raipur, Chhattisgarh.

---- Respondent

Writ Appeal No. 136 of 2015

Jaspal Singh Mahajan son of Late Sardar Hira Singh, aged about 67 years, Shop No. C-34A, Bombay Market, Police Station Maudhapara, Head Post Office, Raipur Tahsil and District Raipur, Civil & Revenue District Raipur

---- Appellant

Versus

Raipur Development Authority, through its Chief Executive Officer-cum-Secretary, Bajrang Market, Shastri Chowk, G.E. Road, P.S. Maudhapara, Head Post Office, Raipur, Chhattisgarh.

---- Respondent

Writ Appeal No. 137 of 2015

Sulabh Israni Son of Shri Shankar Israni, aged about 28 years, Shop No. D-5, Bombay Market, Police Station Maudhapara, Head Post Office, Raipur Tahsil and District Raipur, Civil & Revenue District Raipur

---- Appellant

Versus

Raipur Development Authority, through its Chief Executive Officer-cum-Secretary, Bajrang Market, Shastri Chowk, G.E. Road, P.S. Maudhapara, Head Post Office, Raipur, Chhattisgarh.

---- Respondent

Writ Appeal No. 140 of 2015

Manohar Lal Son of Late Goverdhan Das, aged 47 years, Shop No. C-25D, Bombay Market, Police Station Maudhapara, Head Post Office, Raipur Tahsil and District Raipur, Civil & Revenue District Raipur

---- Appellant

Versus

Raipur Development Authority, through its Chief Executive Officer-cum-Secretary, Bajrang Market, Shastri Chowk, G.E. Road, P.S. Maudhapara, Head Post Office, Raipur, Chhattisgarh.

---- Respondent

Writ Appeal No. 129 of 2015

Abhishek Gupta Son of Shri Pradeep Gupta, aged about 38 years, Shop Nos. C-4 and C-49, Bombay Market, Police Station Maudhapara, Head Post Office, Raipur Tahsil and District Raipur, Civil & Revenue District Raipur

---- Appellant

Versus

Raipur Development Authority, through its Chief Executive Officer-cum-Secretary, Bajrang Market, Shastri Chowk, G.E. Road, P.S. Maudhapara, Head Post Office, Raipur, Chhattisgarh.

---- Respondent

Writ Appeal No. 122 of 2015

Hasmukh Khasgiwala son of Late S.F.Khasgiwala, aged about 64 years, Shop No. C-41, Sadhna Electricals, Bombay Market, Police Station Maudhapara, Head Post Office, Raipur Tahsil and District Raipur, Civil & Revenue District Raipur

---- Appellant

Versus

Raipur Development Authority, through its Chief Executive Officer-cum-Secretary, Bajrang Market, Shastri Chowk, G.E. Road, P.S. Maudhapara, Head Post Office, Raipur, Chhattisgarh.

---- Respondent

Writ Appeal No. 121 of 2015

Sharad Devade son of Shri Laxman Rao Devad, aged about 51 years Shop No. D-9, Bombay Market, Police Station Maudhapara, Head Post Office, Raipur Tahsil and District Raipur, Chhattisgarh.

---- Appellant

Versus

Raipur Development Authority, through its Chief Executive Officer-cum-Secretary, Bajrang Market, Shastri Chowk, G.E. Road, P.S. Maudhapara, Head Post Office, Raipur, Chhattisgarh.

---- Respondent

Writ Appeal No. 123 of 2015

Davinder Kumar Diddee son of Late Harnarain Diddee, aged about 80 years, Shop No. B-29, New Delhi Machinery Stores, Bombay Market, Police Station Maudhapara, Head Post Office, Raipur Tahsil and District Raipur, Civil & Revenue District Raipur

---- Appellant

Versus

Raipur Development Authority, through its Chief Executive Officer-cum-Secretary, Bajrang Market, Shastri Chowk, G.E. Road, P.S. Maudhapara, Head Post Office, Raipur, Chhattisgarh.

---- Respondent

Writ Appeal No. 195 of 2015

Lekhraj Walia son of Late Labburam Walia, aged about 72 years, Shop No. D-10, Bombay Market, Police Station Maudhapara, Head Post Office, Raipur Tahsil and District Raipur, Civil & Revenue District Raipur

---- Appellant

Versus

Raipur Development Authority, through its Chief Executive Officer-cum-Secretary, Bajrang Market, Shastri Chowk, G.E. Road, P.S. Maudhapara, Head Post Office, Raipur, Chhattisgarh.

---- Respondent

Writ Appeal No. 193 of 2015

Ranjit Singh son of Shri Gurmit Singh, aged about 41 years, Shop No. C-38, Bombay Market, Police Station Maudhapara, Head Post Office, Raipur Tahsil and District Raipur, Civil & Revenue District Raipur

---- Appellant

Versus

Raipur Development Authority, through its Chief Executive Officer-cum-Secretary, Bajrang Market, Shastri Chowk, G.E. Road, P.S. Maudhapara, Head Post Office, Raipur, Chhattisgarh.

---- Respondent

Writ Appeal No. 197 of 2015

Ravinder Singh Bhasin son of Shri Rajinder Singh, aged 44 years, Hall 1, Block B, Bombay Market, Police Station Maudhapara, Head Post Office, Raipur Tahsil and District Raipur, Civil & Revenue District Raipur

---- Appellant

Versus

Raipur Development Authority, through its Chief Executive Officer-cum-Secretary, Bajrang Market, Shastri Chowk, G.E. Road, P.S. Maudhapara, Head Post Office, Raipur, Chhattisgarh.

---- Respondent

Writ Appeal No. 166 of 2015

Jayramdas Rupera son of Late Sugnamal Rupera, aged about 69 years, Shop No. D-D7, Bombay Market, Police Station Maudhapara, Head Post Office, Raipur Tahsil and District Raipur, Civil & Revenue District Raipur

---- Appellant

Versus

Raipur Development Authority, through its Chief Executive Officer-cum-Secretary, Bajrang Market, Shastri Chowk, G.E. Road, P.S. Maudhapara, Head Post Office, Raipur, Chhattisgarh.

---- Respondent

Writ Appeal No. 180 of 2015

Omprakash Mundeja son of Late Nathuram, aged about 59 years, Shop No. D-

4, Bombay Market, Police Station Maudhapara, Head Post Office, Raipur Tahsil and District Raipur, Civil & Revenue District Raipur

---- Appellant

Versus

Raipur Development Authority, through its Chief Executive Officer-cum-Secretary, Bajrang Market, Shastri Chowk, G.E. Road, P.S. Maudhapara, Head Post Office, Raipur, Chhattisgarh.

---- Respondent

Writ Appeal No. 169 of 2015

M/s. Anup Singh & Brothers (HUF) through Karta Anup Singh Bhasin son of Late Kesar Singh, aged 64 years, Shop No. C-53, Bombay Market, Police Station Maudhapara, Head Post Office, Raipur Tahsil and District Raipur, Civil & Revenue District Raipur

---- Appellant

Versus

Raipur Development Authority, through its Chief Executive Officer-cum-Secretary, Bajrang Market, Shastri Chowk, G.E. Road, P.S. Maudhapara, Head Post Office, Raipur, Chhattisgarh.

---- Respondent

Writ Appeal No. 132 of 2015

Rajendra Kumar Jaiswal son of Late Jamuna Prasad Jaiswal, aged about 44 years, Shop No. B-33, Bombay Market, Police Station Maudhapara, Head Post Office, Raipur Tahsil and District Raipur, Civil & Revenue District Raipur

---- Appellant

Versus

Raipur Development Authority, through its Chief Executive Officer-cum-Secretary, Bajrang Market, Shastri Chowk, G.E. Road, P.S. Maudhapara, Head Post Office, Raipur, Chhattisgarh.

---- Respondent

Writ Appeal No. 124 of 2015

Shama Begum wife of Mohd. Sayeed Akhtar, aged about 51 years, Shop No. D-2, Bombay Market, Police Station Maudhapara, Head Post Office, Raipur Tahsil and District Raipur, Civil & Revenue District Raipur

---- Appellant

Versus

Raipur Development Authority, through its Chief Executive Officer-cum-Secretary, Bajrang Market, Shastri Chowk, G.E. Road, P.S. Maudhapara, Head Post Office, Raipur, Chhattisgarh.

---- Respondent

Writ Appeal No. 128 of 2015

Smt. R.K.Bahal wife of Shri O.P.Bahal, S.P.Traders, Shop Nos. B-19, 20 and 21, Bombay Market, Police Station Maudhapara, Head Post Office, Raipur Tahsil and District Raipur, Civil & Revenue District Raipur

---- Appellant

Versus

Raipur Development Authority, through its Chief Executive Officer-cum-Secretary, Bajrang Market, Shastri Chowk, G.E. Road, P.S. Maudhapara, Head Post Office, Raipur, Chhattisgarh.

---- Respondent

Writ Appeal No. 125 of 2015

Chandrakant Desai son of Shri Abhachand Desai, aged about 59 years, Shop No. D-15, Shah Desai and Co. Bombay Market, Police Station Maudhapara, Head Post Office, Raipur Chhattisgarh.

---- Appellant

Versus

Raipur Development Authority, through its Chief Executive Officer-cum-Secretary, Bajrang Market, Shastri Chowk, G.E. Road, P.S. Maudhapara, Head Post Office, Raipur, Chhattisgarh.

---- Respondent

Writ Appeal No. 131 of 2015

Iqbal Ahmed Siddiqui son of Late A.A.Siddiqui, aged about 63 years, Shop No. D-23, Bombay Market, Police Station Maudhapara, Head Post Office, Raipur Tahsil and District Raipur, Civil & Revenue District Raipur

---- Appellant

Versus

Raipur Development Authority, through its Chief Executive Officer-cum-Secretary, Bajrang Market, Shastri Chowk, G.E. Road, P.S. Maudhapara, Head Post Office, Raipur, Chhattisgarh.

---- Respondent

Writ Appeal No. 126 of 2015

Rekha Desai Wife of Shri Dharmesh Desai, aged about 47 years, Shop No. C-37, Bombay Market, P.S. Maudhapara, Head Post Office Raipur, Tahsil and District Raipur through Power of attorney holder Shri Amish Desai, son of Late Kishor Desai, aged about 40 years, resident of E-49, Sector-1 PO and PS Devendra Nagar, Raipur, Civil & Revenue District Raipur

---- Appellant

Versus

Raipur Development Authority, through its Chief Executive Officer-cum-Secretary, Bajrang Market, Shastri Chowk, G.E. Road, P.S. Maudhapara, Head Post Office, Raipur, Chhattisgarh.

---- Respondent

Writ Appeal No. 130 of 2015

Naveen Jain son of Shri Santosh Jain, aged about 42 years, resident of 102, Kanchan Complex, Chudiline, P.O. & P.S. Gol Bazar, Raipur, Chhattisgarh, Civil & Revenue District Raipur

---- Appellant

Versus

Raipur Development Authority, through its Chief Executive Officer-cum-Secretary, Bajrang Market, Shastri Chowk, G.E. Road, P.S. Maudhapara, Head Post Office, Raipur, Chhattisgarh.

---- Respondent

Writ Appeal No. 116 of 2015

B.P.Sharma son of S.R.Sharma aged about 69 years, Shop No. D-18/ D-19, Bombay Market, Police Station Maudhapara, Head Post Office, Raipur Tahsil and District Raipur, Civil & Revenue District Raipur

---- Appellant

Versus

Raipur Development Authority, through its Chief Executive Officer-cum-Secretary, Bajrang Market, Shastri Chowk, G.E. Road, P.S. Maudhapara, Head Post Office, Raipur, Chhattisgarh.

---- Respondent

Writ Appeal No. 119 of 2015

M/s. Sundeep Enterprises, Pro. Sukumar Dhar son of Late N.R. Dhar, Shop No. C-46, Bombay Market, Police Station Maudhapara, Head Post Office, Raipur Tahsil and District Raipur, Civil & Revenue District Raipur

---- Appellant

Versus

Raipur Development Authority, through its Chief Executive Officer-cum-Secretary, Bajrang Market, Shastri Chowk, G.E. Road, P.S. Maudhapara, Head Post Office, Raipur, Chhattisgarh.

---- Respondent

Writ Appeal No. 120 of 2015

Mahesh Sharma son of Shri B.P.Sharma, aged about 45 years, Shop No. D-16/D-16A, Bombay Market, Police Station Maudhapara, Head Post Office, Raipur Chhattisgarh.

---- Appellant

Versus

Raipur Development Authority, through its Chief Executive Officer-cum-Secretary, Bajrang Market, Shastri Chowk, G.E. Road, P.S. Maudhapara, Head Post Office, Raipur, Chhattisgarh.

---- Respondent

Writ Appeal No. 114 of 2015

Ishtiyaque Ahmed s/o Late Mohd. Quasim, aged about 56 years, Shop No. D-24, Bombay Market, Police Station Maudhapara, Head Post Office, Raipur Tahsil and District Raipur, Civil & Revenue District Raipur

---- Appellant

Versus

Raipur Development Authority, through its Chief Executive Officer-cum-Secretary, Bajrang Market, Shastri Chowk, G.E. Road, P.S. Maudhapara, Head Post Office, Raipur, Chhattisgarh.

---- Respondent

Writ Appeal No. 113 of 2015

Smt. Sadhna Jaiswal wife of Shri Rajendra Kumar Jaiswal, aged about 44 years, Shop No. D-06, Bombay Market, Police Station Maudhapara, Head Post Office, Raipur Tahsil and District Raipur, Civil & Revenue District Raipur

---- Appellant

Versus

Raipur Development Authority, through its Chief Executive Officer-cum-Secretary, Bajrang Market, Shastri Chowk, G.E. Road, P.S. Maudhapara, Head Post Office, Raipur, Chhattisgarh.

---- Respondent

Writ Appeal No. 117 of 2015

Suresh Tiwari Son of Shri Baluram Tiwari, aged about 62 years, Shop No. C-40, Bombay Market, Police Station Maudhapara, Head Post Office, Raipur Tahsil and District Raipur, Civil & Revenue District Raipur

---- Appellant

Versus

Raipur Development Authority, through its Chief Executive Officer-cum-Secretary, Bajrang Market, Shastri Chowk, G.E. Road, P.S. Maudhapara, Head Post Office, Raipur, Chhattisgarh.

---- Respondent

Writ Appeal No. 115 of 2015

Sarabjeet Singh son of Late S.Avtar Singh, aged about 39 years, Shop No. D-22, Bombay Market, Police Station Maudhapara, Head Post Office, Raipur Tahsil and District Raipur, Civil & Revenue District Raipur

---- Appellant

Versus

Raipur Development Authority, through its Chief Executive Officer-cum-Secretary, Bajrang Market, Shastri Chowk, G.E. Road, P.S. Maudhapara, Head Post Office, Raipur, Chhattisgarh.

---- Respondent

Writ Appeal No. 118 of 2015

Namdev Chaurpagar son of Late Bajirao Chaurpagar, aged about 58 years, Shop No. C-56A, Block C, Bombay Market, Police Station Maudhapara, Head Post Office, Raipur Tahsil and District Raipur, Civil & Revenue District Raipur

---- Appellant

Versus

Raipur Development Authority, through its Chief Executive Officer-cum-Secretary, Bajrang Market, Shastri Chowk, G.E. Road, P.S. Maudhapara, Head Post Office, Raipur, Chhattisgarh.

---- Respondent

Writ Appeal No. 141 of 2015

Munna Sahu son of Jhumuk Lal Sahu aged about 58 years, Shop No. D-8,

Bombay Market, Police Station Maudhapara, Head Post Office, Raipur Tahsil and District Raipur, Civil & Revenue District Raipur

---- Appellant

Versus

Raipur Development Authority, through its Chief Executive Officer-cum-Secretary, Bajrang Market, Shastri Chowk, G.E. Road, P.S. Maudhapara, Head Post Office, Raipur, Chhattisgarh.

---- Respondent

Writ Appeal No. 142 of 2015

Jaspal Bachwani s/o Dulichand Bachwani, aged about 42 years, Shop No. C-35, Natraj Enterprises, Bombay Market, Police Station Maudhapara, Head Post Office, Raipur Tahsil and District Raipur, Civil & Revenue District Raipur

---- Appellant

Versus

Raipur Development Authority, through its Chief Executive Officer-cum-Secretary, Bajrang Market, Shastri Chowk, G.E. Road, P.S. Maudhapara, Head Post Office, Raipur, Chhattisgarh.

---- Respondent

Writ Appeal No. 143 of 2015

Suresh Singhanian son of Late Visamber Dayal Singhanian, aged about 57 years, Shop No. C-56, Singhanian Chemicals, Bombay Market, Police Station Maudhapara, Head Post Office, Raipur Tahsil and District Raipur, Civil & Revenue District Raipur

---- Appellant

Versus

Raipur Development Authority, through its Chief Executive Officer-cum-Secretary, Bajrang Market, Shastri Chowk, G.E. Road, P.S. Maudhapara, Head Post Office, Raipur, Chhattisgarh.

---- Respondent

Writ Appeal No. 238 of 2015

Radheshyam Jaiswal son of Late Ramfer Jaiswal, aged about 69 years, Shop No. C-34, Bombay Market, Police Station Maudhapara, Head Post Office, Raipur Tahsil and District Raipur, Civil & Revenue District Raipur

---- Appellant

Versus

Raipur Development Authority, through its Chief Executive Officer-cum-Secretary, Bajrang Market, Shastri Chowk, G.E. Road, P.S. Maudhapara, Head Post Office, Raipur, Chhattisgarh.

---- Respondent

Writ Appeal No. 213 of 2015

Davinder Kaur wife of Shri Gurmit Singh, aged 57 years, Shop No. C-45 C, Bombay Market, Police Station Maudhapara, Head Post Office, Raipur Tahsil and District Raipur, Civil & Revenue District Raipur

---- Appellant

Versus

Raipur Development Authority, through its Chief Executive Officer-cum-Secretary, Bajrang Market, Shastri Chowk, G.E. Road, P.S. Maudhapara, Head Post Office, Raipur, Chhattisgarh.

---- Respondent

For Appellants	:	Shri B.P.Sharma and Shri Sameer Oraon, Advocates.
For Respondent	:	Shri Ashish Shrivastava and Shri Pankaj Agrawal, Advocates.

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri P. Sam Koshy, J.

Judgment on Board

Per Navin Sinha, Chief Justice

12/05/2015

1. The present appeals arise from order dated 8.9.2014 disposing Writ Petition (C) No. 984 of 2013 and a batch of analogous writ petitions directing the Appellants to file representation before the Raipur Development Authority which shall after hearing the parties, make efforts to settle the issue for fixation of lease rent, alongwith further directions for recovery of surcharge amount strictly in accordance with Resolution No. 8 only.

2. Pursuant to the aforesaid directions, out of the 54 writ petitioners, 39 of them have represented and 38 have filed the present appeals. The present rent payable is Rs. 4 per square foot which was enhanced to Rs. 5 by the writ Court by way of an interim order. The Authority proposes to enhance the rent to Rs. 14/- per square foot while the Appellants are agreeable to Rs. 12/- per square foot, as evident from their letter dated 29.3.2013 at Annexure R-1 to the counter-affidavit to the writ petition.

3. Once the Appellants have given in writing on 29.3.2013 their willingness

to pay rent at the rate of Rs. 12/- per square foot, they cannot be permitted to retract from the same and make it a cause of action in the appeal. Any other dispute between the parties has to be amenable to jurisdiction of the Civil Court or any other appropriate forum that may be prescribed under the law. Fixation of rent cannot be ordered by the Court in proceedings under Article 226 of the Constitution of India.

4. With the aforesaid observation, the writ appeals stand disposed.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(P.Sam Koshy)
JUDGE