

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1489 of 2015

1. Bhojraj S/o Tejmal Gahlot, Aged About 56 Years R/o Link Road Camp -2, Pappu Pan Thela, Bhilai, District Durg Chhattisgarh
2. Rajendra Kumar Sharma S/o Suraj Karan Sharma, Aged About 50 Years R/o Gandhi Chowk (Jalebi Chowk), Camp - 1, Link Road Bhilai, District Durg Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Urban Administration, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh
2. The Special Secretary, Department Of Urban Administration, State Of Chhattisgarh, Mantralaya, Mahanadi Bhawan, Naya Raiur, Dsitric Raipur Chhattisgarh
3. The Municipal Corporation Bhilai, Through Its Commissioner Municipal Corporation Bhilai, District Durg Chhattisgarh

---- Respondents.

For Petitioner	: Shri Ashish Surana, Advocate.
For Respondent/State.	: Shri R. K. Gupta, Dy. Advocate General on advance copy.
For Respondents.	: Shri H. B. Agrawal, Sr. Advocate. With Ms. Preeti Yadav on advance copy

Order On Board

26/08/2015

Heard.

1. The case of the petitioners in the writ petition is that the petitioners were earlier granted lease of 30 years. In terms of renewal clause contained in the lease, the petitioners applied for renewal of lease on 19.06.2012. As there were certain disputes, the matter remained pending. The Corporation, at one point of time, had proceeded to

cancel the lease which was challenged by filing writ petition before this Court which was disposed off vide order dated 10.03.2011 passed in batch of petitions No. WP(C) No. 1805/2008 and WP(C) No. 2298/2004. The order of cancellation of lease was set aside and the petition was allowed. The order was affirmed in writ appeal also. As a consequence thereof, now, the petitioners are entitled to seek consideration of their application for renewal of lease which was filed by them on 19.06.2012. However, primarily because of earlier litigation which otherwise has come to an end, application for renewal has remained pending without any decision. In these circumstances, the petitioners have approached this Court for appropriate directions.

2. Learned counsel for the corporation submits that if any such applications are pending, the same shall be decided in accordance with law by the Corporation and the Corporation shall take appropriate decision on petitioners' application for renewal of lease.

3. Without commenting upon the merits of petitioners' claim to get lease renewed, this petition at present, is disposed off at this stage with a direction to the Corporation to consider petitioners' application for renewal of lease in accordance with law. The decision in this regard shall be taken by the Corporation within a period of 3 months from the date of receipt of copy of this order. It is clarified that this Court has not expressed any opinion on the merits of petitioners' claim. In case the grievance of the petitioners are not redressed, the petitioners would be at liberty to raise grievance before the appropriate forum in accordance with law.

Sd/-

Manindra Mohan Shrivastava

Judge