

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 246 of 2016

S. M. (Surendra Mani) Pandey S/o Late Shri Ramnihor Pandey,
Aged About 57 Years Occupation Supervisor In Bhilai Steel Plant,
R/o House No. 008 B/ Street No. 24 Sector 01 Bhilai District Durg
(Chhattisgarh).

---- Petitioner

Versus

1. Steel Authority Of India Limited Through Chief Managing Director,
Bhilai Steel Pant, Bhilai District Durg (Chhattisgarh).
2. Bhilai Steel Plant, Through Its General Manager Of Bhilai Steel
Plant, Bhilai District Durg (Chhattisgarh).
3. Deputy General Manager, Town Administration Department
(Estate Wing) Bhilai Steel Plant, Bhilai District Durg
(Chhattisgarh).
4. Incharge Officer, Bhilai Steel Plant, Nagar Seva Vibhag, Avas,
Lease Anubhag Bhilai District Durg (Chhattisgarh).
5. State Of Chhattisgarh, Through Secretary, Rajasva & Apada
Prabandhan Vibhag, Mantralaya, Mahanadi Bhavan, Naya Raipur
(Chhattisgarh).
6. Collector, District Durg (Chhattisgarh).
7. Municipal Corporation Bhilai, Through Commissioner, Municipal
Corporation Bhilai, District Durg (Chhattisgarh).

---- Respondents

For Petitioner	:	Shri Suresh Kumar Pandey, Advocate.
For Respondent/ Corporation	:	Dr. N.K. Shukla, Senior Advocate with Shri Shailendra Shukla, Advocate.
For State	:	Shri Satish Gupta, Government Advocate on advance copy

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

01/02/2016

Heard.

1. This petition is directed against the action of the respondents in

canceling the lease of the petitioner on violation of the terms and conditions of lease.

2. Learned counsel for the petitioner submits that the allegation of violation of terms and conditions of lease is not correct. He submits that except minor deviations, the petitioner has not indulged in any substantial violation of terms and conditions of lease.

3. A perusal of the impugned order and the notices given prior to it show that there are allegations of not only illegal construction but also encroachment of area in excess of the leased premise. These allegations having been made basis for cancellation of lease. It is not the case of the petitioner that without affording him any opportunity of hearing, the lease has been canceled.

4. The dispute between the parties appears to be factual in nature. The lease is also non-statutory. Whether or not the petitioner has encroached over an area in excess of the leased premise or raised construction in violation of the terms and conditions are in the realm of disputed fact which cannot be gone into the writ petition. In view of the above, I am not inclined to entertain this petition and the petition is dismissed reserving liberty to the petitioner to take recourse to civil remedy.

5. Considering that the petitioner has approached this Court seeking relief, it is directed that for a period of 30 days, no coercive steps shall be taken against the petitioner.

Sd/-

(Manindra Mohan Shrivastava)
J U D G E