

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2179 of 2014**

1. Ram Kishore Agrawal S/o Late Dindayal Agrawal Aged About 53 Years
2. Arun Kumar Agrawal S/o Shri Bholaram Agrawal Aged About 42 Years
3. Bajrang Agrawal S/o Dindayal Agrawal Aged About 65 Years
4. Vishnu Prasad Agrawal S/o Dindayal Agrawal Aged About 65 Years
5. Madanlal Agrawal S/o Bholaram Agrawal Aged About 62 Years
6. Ajay Kumar Agrawal S/o Late Bholaram Agrawal Aged About 44 Years

All the petitioners are legal heirs of late Smt. Parwati Bai Agrawal, R/o Pantiganj Dhamtari P.S. City Kotwali Dhamtari Tehsil & Distt. Dhamtari C.G. Pin 493773

---- Petitioner

Versus

1. Municipal Corporation Dhamtari, District Dhamtari Through Its Commissioner Municipal Corporation Dhamtari Tahsil & Distt. Dhamtari C.G.
2. The State Of Chhattisgarh Through The Secretary Govt. Of C.G. Urban Administration & Development Department Mahanadi Bhawan Mantralaya Naya Raipur C.G.

---- Respondent

And

WPC No. 2182 Of 2014

- Harshad Patel S/o Kantilal Patel Aged About 49 Years R/o Sunderganj Ward Dhamtari P.S. City Kotwali, Dhamtari Tehsil & Distt. Dhamtari C.G.

---- Petitioner

Vs

1. Municipal Corporation Dhamtari, District Dhamtari through Its

Commissioner, Municipal Corporation, Dhamtari, Tehsil & District Dhamtari (CG)

2. The State Of Chhattisgarh Through The Secretary Govt. Of C.G. Urban Administration & Development Department Mahanadi Bhawan Mantralaya Naya Raipur C.G.

---- Respondent

And

WPC No. 2181 Of 2014

- Shrikishan Agrawal S/o Lt Chouthmal Agrawal Aged About 70 Years R/o Sadar Bajar, Pantiganj, Dhamtari, PS City Kotwali, Dhamtari Tehsil & District Dhamtari, Cg

---- Petitioner

Vs

1. Municipal Corporation Dhamtari Distt Dhamtari, Through Its Commissioner, Municipal Corporation, Dhamtari, Tehsil & Dist Dhamtari, Cg
2. State Of C.G. Through The Secretary, Govt. Of C.G., Urban Administration & Development Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, Cg

---- Respondent

And

WPC No. 2180 Of 2014

- Smt. Gulab Ben Mahawar W/o Late Radheshyam Mahawar Aged About 70 Years R/o Opposite To LIC Building Dhamtari P.S. City Kotwali Dhamtari Tahsil & Distt. Dhamtari C.G. Pin 493773

---- Petitioner

Vs

1. Municipal Corporation Dhamtari, District Dhamtari Through Its Commissioner Municipal Corporation Dhamtari Tahsil & Distt. Dhamtari C.G.
2. State Of Chhattisgarh Through The Secretary, Government Of Chhattisgarh Urban Administration And Development Department,

Mahanadi Bhawan Mantralaya Naya Raipur C.G.

---- Respondent

And

WPC No. 2217 Of 2014

- Smt. Vimla Devi Goyal W/o Shri Devindandan Goyal Aged About 62 Years R/o Industrial Ward Pantiganj Dhamtari P.S. City Kotwali, Dhamtari, Tehsil & Distt. Dhamtari C.G. Pin 493773

---- Petitioner

Vs

1. Municipal Corporation Dhamtari, District Dhamtari Through Its Commissioner Municipal Corporation Dhamtari Tahsil & Distt. Dhamtari C.G.
2. State Of Chhattisgarh Through The Secretary Govt. Of C.G. Urban Administration & Development Department Mahanadi Bhawan Mantralaya Naya Raipur C.G.

---- Respondent

And

WPC No. 2219 Of 2014

- Sharad Kumar Modi S/o Late Brijlal Modi Aged About 60 Years R/o Pantiganj Dhamtari P.S. City Kotwali Dhamtari Tehsil & Distt. Dhamtari C.G. Pin 493773

---- Petitioner

Vs

1. Municipal Corporation Dhamtari, District Dhamtari Through Its Commissioner Municipal Corporation Dhamtari Tahsil & Distt. Dhamtari C.G.
2. The State Of Chhattisgarh Through The Secretary Govt. Of C.G. Urban Administration & Development Department Mahanadi Bhawan Mantralaya Naya Raipur C.G.

---- Respondent

And



WPC No. 2216 Of 2014

1. Bhagat Singh Maan son of Late Shri Trilok Singh Maan Aged About 65 Years R/o Industrial Ward Dhamtari P.S. City Kotwali Dhamtari Tahsil & Distt. Dhamtari C.G. Pin 493773
2. Gurnaam Singh Maan, son of late Shri Trilok Singh Maan, aged about 64 years, R/o Industrial Ward, Dhamtari, P.S. City Kotwali, Dhamtari, Tahsil and District Dhamtari (CG) Pin 493773

---- Petitioner

Vs

1. Municipal Corporation Dhamtari, District Dhamtari Through Its Commissioner Municipal Corporation Dhamtari Tahsil & Distt. Dhamtari C.G.
2. The State Of Chhattisgarh Through The Secretary Govt. Of C.G. Urban Administration & Development Department Mahanadi Bhawan Mantralaya Naya Raipur C.G.

---- Respondent

And

WPC No. 2200 Of 2014

- Dinesh Mahawar S/o Late Shri Radheshyam Mahawar Aged About 52 Years R/o Opposite Power House Road Raipur Road Dhamtari P.S. City Kotwali Dhamtari Tahsil & Distt. Dhamtari C.G. Pin 493773

---- Petitioner

Vs

1. Municipal Corporation Dhamtari, District Dhamtari Through Its Commissioner Municipal Corporation Dhamtari Tahsil & Distt. Dhamtari C.G.
2. State Of Chhattisgarh Through The Secretary Govt. Of C.G. Urban Administration & Development Department Mahanadi Bhawan Mantralaya Naya Raipur C.G.

---- Respondent

And

WPC No. 2199 Of 2014

- Jagdish Prasad Sharma S/o Late Khayali Ram Sharma Aged About 72 Years R/o Industrial Ward Dhamtari P.S. City Kotwali Dhamtari Tahsil & Distt. Dhamtari C.G. Pin 493773

---- Petitioner

Vs

1. Municipal Corporation Dhamtari, District Dhamtari Through Its Commissioner Municipal Corporation Dhamtari Tahsil & Distt. Dhamtari C.G.
2. State Of Chhattisgarh Through The Secretary Govt. Of C.G. Urban Administration & Development Department Mahanadi Bhawan Mantralaya Naya Raipur C.G.

---- Respondent

And

WPC No. 2197 Of 2014

- Omprakash Mahawar S/o Late Banwari Lal Mahawar Aged About 62 Years R/o Near Power House Raipur Road Dhamtari P.S. City Kotwali Dhamtari Tahsil & Distt. Dhamtari C.G. Pin 493773

---- Petitioner

Vs

1. Municipal Corporation Dhamtari, District Dhamtari Through Its Commissioner Municipal Corporation Dhamtari Tahsil & Distt. Dhamtari C.G.
2. State Of Chhattisgarh Through The Secretary Govt. Of C.G. Urban Administration & Development Department Mahanadi Bhawan Mantralaya Naya Raipur C.G.

---- Respondent

And

WPC No. 2107 Of 2014

- Pratap Singh Kapadia S/o Lt. Damodar Haridas Kapadia, Aged About 76 Years R/o Sunderganj Ward No.4, PS City Kotwali, Dhamtari, Tah. & Dist. Dhamtari Cg

---- Petitioner

6

Vs

1. Municipal Corporation, Dhamtari, District Dhamtari Through Its Commissioner Municipal Corporation Dhamtari Tah. & Dist. Dhamtari Cg
2. State Of Chhattisgarh Through The Secretary Govt. Of Chhattisgarh Urban Administration And Development Department Mahandi Bhawan Mantralaya Naya Raipur Cg

---- Respondent

And

WPC No. 2077 Of 2014

- Yash Agrawal S/o Gopal Agrawal Aged About 29 Years R/o Main Road, Shriram Nagar, Raipur, Dist Raipur, Cg

---- Petitioner

Vs

1. The Municipal Corporation Raipur, Dist Raipur, (CG) Through Its Commissioner.
2. The Zone Commissioner Zone No.3, Municipal Corporation, Raipur, Dist Raipur, Cg
3. The Nazul Officer, Collectorate, Rajnandgaon, Dist Rajnandgaon, Cg

---- Respondent

And

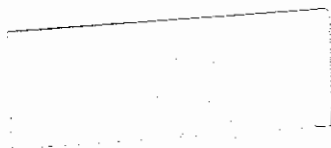
WPC No. 1682 Of 2015

- Ghanshyam Goyal S/o Late Dulichand Goyal, Aged About 58 Years R/o Near New Bus Stand, Dhamtari, P. S. Dhamtari, District Dhamtari, (Chhattisgarh)

---- Petitioner

Vs

1. Municipal Corporation, Dhamtari District Dhamtari, Through Its Commissioner, Municipal Corporation, Dhamtari, Tahsil And District Dhamtari, Chhattisgarh



2. State Of Chhattisgarh, Through The Secretary, Government Of Chhattisgarh, Urban Administration & Development Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, Chhattisgarh

---- Respondent

And

WPC No. 1949 Of 2015

- Bharat Mahawar S/o Shri Banwari Lal Mahawar Aged About 50 Years R/o Sundarganj Ward, Dhamtari, Police Station Dhamtari, District Dhamtari (C.G.).

---- Petitioner

Vs

1. The Municipal Corporation Dhamtari, Through Its Commissioner, Municipal Corporation, Dhamtari, District Dhamtari (C.G.)
2. State Of Chhattisgarh Through The Secretary, Urban Administration And Development Department, Mantralaya Mahanadi Bhawan, New Raipur, Raipur (C.G.)

---- Respondent

And

WPC No. 2130 Of 2015

- Rama Sahu S/o Shri Johriram Sahu Aged About 59 Years R/o Sunderganj Ward, Dhamtari, P.S. & District Dhamtari

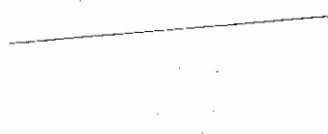
---- Petitioner

Vs

1. The Municipal Corporation Dhamtari Through Its Commissioner, Municipal Corporation Dhamtari, District Dhamtari, Chhattisgarh
2. State Of Chhattisgarh, Through The Secretary, Urban Administration And Development Department, Mantralaya Mahandi Bhawan, New Raipur, Chhattisgarh

---- Respondent

And



WPC No. 119 Of 2016

- Smt. Kiran Sethia W/o Shri Mahesh Sethia Aged About 57 Years R/o In Front Of Jain Mandir, Itwari Bazar Dhamtari, Police Station Dhamtari, Tahsil And District Dhamtari (Chhattisgarh)

---- Petitioner**Vs**

1. The Municipal Corporation, Dhamtari Through Its Commissioner, Municipal Corporation, Dhamtari, District Dhamtari (Chhattisgarh)
2. State Of Chhattisgarh Through The Secretary, Urban Administration And Development Department, Mantralaya Mahanadi Bhawan, New Raipur, Raipur (Chhattisgarh)

---- Respondent

For Petitioners : Shri Kishore Bhaduri, Advocate.

For Respondent No.1 : Shri Dharmesh Shrivastava, Advocate.

For Respondent No.2 : Shri Adhiraj Surana, Deputy Govt. Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****19/01/2016**

1. In these writ petitions, the petitioners are assailing the action of the respondent Municipal Corporation whereby the Corporation has refused to renew the lease granted to the petitioners which includes their predecessor in title.
2. Learned counsel for the respondents would submit that the matter in issue is squarely covered by the judgment rendered by this Court in WPC No.1089/2015 {Prahlaad Tiwari Vs. Steel Authority of India Limited & Anr.) which was affirmed by the Division Bench in Writ

Appeal No.438/2015, therefore, the writ petitions deserve to be disposed of in the same terms.

3. Learned counsel for the petitioners would strenuously urge that in the matter of Prahlad Tiwari, referred to above, the lease was cancelled by the Steel Authority of India Limited whereas in the present case, the lessor is Municipal Corporation and the terms of lease are entirely different. He would submit that under the lease deed the renewal was absolutely at the discretion of the lessee and the petitioners having applied for renewal, the lease being a perpetual lease, the respondents could not have refused to renew the lease.
4. Shri Dharmesh Shrivastava, learned counsel appearing for the Municipal Corporation would submit that the rights and liabilities of the lessor and the lessee are to be adjudicated in a properly constituted civil suit. There being no issue falling in the domain of public law, cancellation or non-renewal of lease is beyond the writ jurisdiction of this Court and this is what has been held by this Court in Prahlad Tiwari, referred to above. Therefore, merely because some terms of the lease are different, the law laid down by this Court would not cease to apply.
5. Having heard learned counsel for the parties, it would appear that eventually the issue falling for consideration would be the legality and validity of the Municipal Corporation's action in refusing to renew the

lease which is a contractual dispute between the parties and does not fall in the category of violation of any public law element. Therefore, the issue is covered by the decision rendered by this Court in Prahlad Tiwari, referred to above, which was duly affirmed by the Division Bench.

6. In view of the above, all the writ petitions are disposed of in the same terms.

Sd/-
Prashant Kumar Mishra
Judge

Barve