

HIGH COURT OF CHHATTISGARH, BILASPUR

MCC No.692 of 2016

1. Nagar Palika Nigam Bhilai Represented Through Its Commissioner, G.E. Road, Nh6, Bhilai (Chhattisgarh).
2. The Estate Officer Nagar Palika Nigam, Bhilai, G.E. Road, Nh- 6, Bhilai, District-Durg, (Chhattisgarh).

---- Petitioner

Versus

1. Dr. Chitrarekha Kabre D/o Late Shri Ram Gopal Kabre Aged About 51 Years R/o- House No. C- 57, Campus D.C.R. University Of Science & Technology, Murthal Haryana 131039.
2. The Government Of Chhattisgarh, Represented Through Its Chief Secretary Mahanadi Bhavan Naya Raipur, (Chhattisgarh).
3. Shri Rajendra Kabre, S/o Late Shri Ram Gopal Kabre, Aged About 46 Years R/o- Plot No. 18, Block- 13, M. Nehru Nagar, East Bhilai, District- Durg, (Chhattisgarh).

---- Respondents

For Petitioners : Shri H. B. Agrawal, Sr. Advocate with Smt. Meera Jaiswal, Advocate

Respondent No.1- Dr. Chitrarekha Kabre is present in person.

For Respondent No.2/State: Shri D. R. Minz, Dy.GA

None for respondent No.3, though served.

S.B. : Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

21/12/2016

Heard.

2. Learned Senior Advocate for the applicants submits that the order passed by this Court on 15-10-2015 requires modification to the extent that there will be no need for undertaking any exercise of renewal of lease because the original lease granted in favour of Ram Gopal Kabre, father of respondents No.1 & 3 on 16-07-1982 was for a period of 90 years. Therefore, the part of the order, which directs consideration of renewal, may be suitably modified.

3. Respondent No.1 in person submits that the Corporation/applicants herein in

the Writ Petition (WPC No.1618/2014) had taken contradictory stand, wherein execution of lease deed on 16-07-1982 in favour of Ram Gopal Kabre was not disputed, but they came out with a letter dated 26-07-2012 that the lease is for a period of 30 years. This was made a basis by this Court to direct for consideration of renewal of lease, after 30 years.

4. In view of the stand, which is now being taken by the Corporation/applicants herein, seeking modification of the Court order passed in the WPC No.1618/2014, it is clear that the Corporation itself disowned its order dated 26-07-2012 that the lease was for a period of 30 years. In fact, lease dated 16-07-1982 executed in favour of Ram Gopal Kabre was for a period of 90 years, which is clear from the copy of lease deed placed along with the records of writ petition as well as the present application. Therefore, in view of the stand taken by the Corporation/applicants herein that the lease was for a period of 90 years, the only step, which requires to be taken by the Corporation is mutation of records by entering the name of legal representatives of the deceased-Ram Gopal Kabre and no further steps are required to be taken for renewal of lease. Resultantly, order dated 15-10-2015 passed by this Court in WPC No.1618 of 2014 is modified to the extent that in view of the stand taken by the Corporation and in view of terms and conditions of lease dated 16-07-1982, there is no necessity of undertaking any exercise of seeking renewal of lease by the successors of Late Ram Gopal Kabre nor it would be necessary for the Corporation to take any further steps towards renewal of lease at this stage. Occasion will arise only after expiry of 90 years as recited in the lease deed dated 16-07-1982. The fact that the Corporation has already mutated the names of successors of Late Ram Gopal Kabre vide order dated 15-02-2016 is placed on record.

5. With the aforesaid clarifications and modifications, this MCC stands disposed off.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge