

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 23 of 2018**

Narayan Sahu S/o Shri Samaru Sahu, Aged About 54 Years R/o. Anurag Nagar, Mahatma Gandhi Ward No. 25, Pandri Tarai, District Raipur (Chhattisgarh)

---- Appellant

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Urban Administration, Mantralaya, D.K.S. Bhawan, Raipur, Presently Indrawati Bhawan, Raipur, New Raipur (Chhattisgarh)
2. The Commissioner, Municipal Corporation, Raipur (Chhattisgarh)
3. The Collector, District Raipur (Chhattisgarh)
4. Shri Dev Ji Bhai Patel, R/o Timber Market, Fafadih, Devendra Nagar, District Raipur (Chhattisgarh)
5. Shri Shrichand Sundrani Presently (MLA), R/o Katora Talab, Raipur (Chhattisgarh)

---- Respondents

And**WA No. 27 of 2018**

Krishna Yadav S/o Shri Shekhuram Yadav Aged About 52 Years, R/o Anurag Nagar Mahatma Gandhi Ward No. 25 Pandri Tarai , District Raipur Chhattisgarh.

---- Appellant

Versus

1. State Of Chhattisgarh Through The Secretary Department Of Urban Administration Mantralaya D K S Bhawan, Raipur, Chhattisgarh, Presently Indravati Bhavan, New Raipur Chhattisgarh.
2. The Commissioner, Municipal Corporation Raipur Chhattisgarh.
3. The Collector, District Raipur Chhattisgarh.
4. Shri Dev Ji Bhai Patel R/o of Timber Market, Fafadih Devndra Nagar District Raipur Chhattisgarh.
5. Shri Shrichand Sundrani , Presently (M L A) R/o Katora Talab

Raipur Chhattisgarh.

---- Respondents

For Appellants	: Shri J.K. Gupta, Advocate
For State	: Shri R.K. Agrawal, Deputy Advocate General
For Corporation	: Shri H.B. Agrawal, Senior Advocate with Ms. Dipti Dubey, Advocate

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice

Hon'ble Shri Sharad Kumar Gupta, Judge

Order On Board

Per Thottathil B. Radhakrishnan, Chief Justice

22/01/2018

1. Both these writ appeals are heard and disposed of by common order.
2. We have heard the learned counsel for the appellants, the learned Deputy Advocate General for the State and the learned Senior counsel for the Municipal Corporation.
3. Learned Senior counsel appearing for the Municipal Corporation points out that the impugned judgment which was issued in a bunch of writ petitions was subject matter of the Writ Appeal No. 30 of 2018 and that the said writ appeal was dismissed.
4. The learned counsel for the appellants points out paragraph 4 of the writ petition and states that the order dated 25/05/2012 terminating the lease was not served at an earlier point of time but only along with the return filed in the writ petition from which the writ appeal arises. While we may take that submission on its face value, we also see that the learned Single Judge has left open the right of the writ petitioner to challenge the order dated 25/05/2012 in accordance with law. Under such circumstances, we cannot find fault with the decision of the learned Single Judge in holding that

the order impugned in the writ petition directing handing over of vacant possession has necessarily to stand so long as the order dated 25/02/2012 terminating lease stands.

5. For the aforesaid reasons, following the judgment in Writ Appeal No. 30 of 2018 we see no substance, in these writ appeals.
6. In the result, these writ appeals are dismissed.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Sharad Kumar Gupta)
Judge