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HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 3485 of 2018**

Rajesh Kumar Gupta S/o Late Gulab Chand Bhartiya, Aged About 54 Years, Helper/ Cleaner, Bhilai Municipal Corporation, R/o Qtr. No. HA-2, Nehru Nagar Bhilai, District Durg, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through The Secretary, Urban Administration Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh.
2. Commissioner, Bhilai Municipal Corporation, Bhilai, District Durg, Chhattisgarh.
3. Dharmendra Mishra S/o Late Amarnath Mishra, Aged About 48 Years Incharge Health Officer, Bhilai Municipal Corporation, Bhilai, District Durg, Chhattisgarh. President Swayattshasi Shangh, Bhilai, R/o 4/4, Nehru Nagar (East), Bhilai, District Durg, Chhattisgarh.
4. C. Purnachand Rao S/o Late Namma Rao, Aged About 55 Years Pump Assistant, Bhilai Municipal Corporation, Bhilai, District- Durg, Chhattisgarh. R/o H.A. -1, Nehru Nagar, East Bhilai, District Durg, Chhattisgarh.
5. Smt. Kumudani Sharma W/o Shri Rameshwar Sharma, Aged About 51 Years Date Entry Operator, Bhilai Municipal Corporation, Bhilai, District- Durg, Chhattisgarh. R/o 3/1, Nehru Nagar East, Bhilai District- Durg, Chhattisgarh.
6. Niranjana Asati S/o S/o Gopichand Asati, Aged About 46 Years, Helper/ Cleaner, Bhilai Municipal Corporation, Bhilai, District- Durg, Chhattisgarh. R/o. 4/6, Nehru Nagar, East Bhilai, District- Durg, Chhattisgarh.

----Respondents**AND****WPS No. 3553 of 2018**

Vinay Sharma S/o B.D. Sharma, Aged About 48 Years Sanitary Supervisor, Bhilai Municipal Corporation, R/o G - 03/02 SADA Staff Quarter, Nehru Nagar East, Bhilai, Ward No.3, District Durg Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through The Secretary, Urban Administration Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh.
2. Commissioner, Bhilai Municipal Corporation, Bhilai, District Durg, Chhattisgarh.
3. Dharmendra Mishra S/o Late Amarnath Mishra, Aged About 48 Years Incharge Health Officer, Bhilai Municipal Corporation, Bhilai, District

Durg, Chhattisgarh. President Swayattshasi Shangh, Bhilai, R/o 4/4, Nehru Nagar (East), Bhilai, District Durg, Chhattisgarh.

4. C. Purnachand Rao S/o Late Namma Rao, Aged About 55 Years Pump Assistant, Bhilai Municipal Corporation, Bhilai, District- Durg, Chhattisgarh. R/o H.A. -1, Nehru Nagar, East Bhilai, District Durg, Chhattisgarh.
5. Smt. Kumudani Sharma W/o Shri Rameshwar Sharma, Aged About 51 Years Date Entry Operator, Bhilai Municipal Corporation, Bhilai, District- Durg, Chhattisgarh. R/o 3/1, Nehru Nagar East, Bhilai District- Durg, Chhattisgarh.
6. Niranjana Asati S/o S/o Gopichand Asati, Aged About 46 Years, Helper/ Cleaner, Bhilai Municipal Corporation, Bhilai, District- Durg, Chhattisgarh. R/o. 4/6, Nehru Nagar, East Bhilai, District- Durg, Chhattisgarh.

----Respondents

AND

WPC No. 1400 of 2018

Shashikant Sahu S/o Late Mohar Lal Sahu, Aged About 54 Years Sanitary Supervisor, Bhilai Municipal Corporation, Bhilai, District- Durg, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Urban Administration Department, Mantralaya, Mahanadi Bhawan, New Raipur, District- Raipur, Chhattisgarh.
2. Commissioner, Bhilai Municipal Corporation, Bhilai, District- Durg, Chhattisgarh.

----Respondents

For Petitioners	:	Mr. Uttam Pandey, Advocate
For State	:	Mr. Shashank Thakur, Govt. Advocate
For respective Respondents	:	Mr. Anup Majumdar, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

14/05/2018

1. The challenge in the present three writ petitions are the recovery proceedings initiated by the respondents as penal rent for the illegal occupation of the quarters belonging to the Municipal Corporation, Bhilai, which the petitioners have been illegally occupying.
2. Perusal of the record shows that the petitioners have been occupying the said premises for long. It is recently that the respondents have

issued an order imposing penal rent for the said premises and appropriate deductions have been ordered to be made from the salary of the petitioners.

3. During the course of the hearing the counsel for the respondents submits that the three writ petitioners have since been allotted accommodation by the Municipal Corporation, Bhilai subsequent to the filing of the petition as per their entitlement.
4. On the said allotment, the counsel for the petitioners submits that given a period of 30 days time, they shall shift to the officially allotted accommodation. The only issue which would be left to be considered is whether the penal rent charged by the respondents would be proper or not.
5. Undisputedly, the petitioners have been occupying the said accommodation since long. All the petitioners are low paid employees. They have been discharging the duties of the respondents without any complaint whatsoever. The quarters, which were occupied by the petitioners, also were never allotted to any other persons. The respondent authorities also in between have never initiated any steps for eviction of the petitioners from the said accommodation, neither have the respondents at any point of time issued any notice or even taken an objection in their occupying the said accommodation.
6. Given the said facts, subject to the petitioners vacating the premises, which they are occupying as on date and shifting themselves to the allotted quarters, the respondents shall reconsider the penal rent, which have been charged from the petitioners and shall reconsider

the charging of penal rent from the petitioners considering the entire facts and circumstances of the case, more particularly the fact that the petitioners are low paid employees.

7. Accordingly, the petitioners are directed to vacate the present premises that they are occupying and move to the newly allotted quarters within a period of 30 days from the date of receipt of order of this Court and the respondents are thereafter directed to reconsider the imposition of penal rent on the petitioners in the light of the observations made in the preceding paragraphs.

8. The writ petition accordingly stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved