

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 3582 of 2018**

Vivek Rangnath S/o Late Dattr Rangnath Aged About 50 Years
Presently Working As Assistant Revenue Inspector, At Municipal
Corporation, Bhilai, Jayanti Garden Water Tank Premises, Camp,
Bhilai, District- Durg, Chhattisgarh.

---- Petitioner**Versus**

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

----Respondents

For Petitioner	:	Mr. Somkant Verma, Advocate
For State	:	Mr. Shashank Thakur, Govt. Advocate
For Respondent No.2	:	Mr. Anup Majumdar, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****14/05/2018**

1. The challenge in the present writ petition is a notice of recovery issued on 31.01.2018 in respect of a quarter belonging to the Municipal Corporation, Bhilai, which has been illegally occupied by the petitioner.
2. It is contended that the petitioner is in occupation of the said quarter since 2014 onwards. Meanwhile, the respondents have till date neither raised any objection or any notice for eviction of the petitioner from the quarter and have now suddenly issued the notice for payment of penal rent to be recovered from his salary.
3. The contention of the petitioner is that the quarter in which he is presently occupying has not been allotted to any other person and he is entitled for the same type of quarter.
4. Given the aforesaid factual matrix of the case, this Court is of the

opinion that the ends of justice would meet if the present writ petition is disposed of with a direction to the respondent No.2 to reconsider the grievance of the petitioner, so far as whether the said quarter could be allotted to the petitioner himself, which would resolve the entire issue, as he is otherwise entitled for the same type of quarter, and thereafter the respondent No.2 would also reconsider so far as the payment of penal rent imposed upon the petitioner.

5. The respondents would also take into note the fact that the petitioner has not been paid H.R.A. during all these period that he occupied the said accommodation.
6. Keeping all these facts, the writ petition stands disposed off.
7. Till the respondent No.2 reconsiders the case of the petitioner, no coercive steps shall be taken against the petitioner for recovery of the penal rent imposed.

Sd/-
(P. Sam Koshy)
Judge

Ved