

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1318 of 2018

Dewendra Kumar Saluja S/o Shri Gurdas Mal Saluja, Aged About 51 Years
Presently Carrying Business At Shop No. 05, Geetanjali Bhawan, Old Bus
Stand, Korba, District Korba Chhattisgarh., District : Korba, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Urban Administration
And Development, Mahanadi Bhavan, Capital Complex, New Raipur, P.S.
Rakhi, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Municipal Corporation Korba, Through Commissioner, Municipal Corporation,
Korba, District Korba Chhattisgarh., District : Korba, Chhattisgarh
3. Estate Officer, Municipal Corporation, Korba, District Korba Chhattisgarh.,
District : Korba, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Alok Tiwari, Advocate
For State	:	Shri S.Majid Ali, Dy. Govt. Advocate
For Respondents 2 and 3	:	Shri Dhiraj Wankhede, Advocate on advance copy

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

17/05/2018

The challenge in the present writ petition was the impugned notice seeking recovery of arrears of rent of the shop, which was in possession of the petitioner during the lease period from 1983 to 2013. In addition, the relief also is for a direction to the respondents to renew the lease, which were in favour of the petitioner and which by efflux of time has got expired.

2. The counsel for the petitioner submits that he has already made a representation, which is pending consideration with the respondents, but without deciding the said representation, the respondents have refused renewal of the lease deed, till the petitioner deposit the enhanced claim of the arrears of rent.

3. At this juncture, the counsel appearing for the respondents No.2 & 3 makes a submission that he has been instructed by the authorities concerned that since the representation of the petitioner is pending, let the authorities take a decision on the representations so filed by the petitioner to the said submission of the counsel for the respondents. The counsel for the petitioner has expressed his anxiety in respect of the arrears of rent claimed by the respondents.

4. On the aforesaid submissions made by the counsel for the respondents No.2 & 3, this Court is not inclined to keep the writ petition pending and this petition stands disposed off giving a liberty to the petitioner to file an additional representation, if he so desires, within a period 10 days from today taking all those legal grounds, which the petitioner has raised in the present writ petition in the said representation and on the said representation, so made, the respondent authorities would deliberate and take a decision objectively deciding the contentions raised by the petitioner in his representation.

5. Till the representation is decided by the respondents No.2 & 3, no coercive steps shall be taken by the respondents for recovery of the alleged arrears of rent for the period from 1983 to 2013.

6. Pendency of the representation to be decided by the respondents No.2 & 3 should not come in the way of the authorities in renewing the lease deed, which otherwise stood in favour of the petitioner and the authorities may consider the renewal in the light of the clauses which are there in the first lease deed executed in favour of the petitioner.

7. The writ petition thus stands disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge