

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 1359 of 2018**

Juveda Begam S/o Shri Jawar Hussain, Aged About 57 Years
Presently Carrying Business At Shop No. 14, Geetanjali Bhawan, Old
Bus Stand, Korba, 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.
2. Municipal Corporation Korba, Through Commissioner, Municipal Corporation, Korba, District Korba Chhattisgarh.
3. Estate Officer, Municipal Corporation, Korba, District Korba Chhattisgarh.

----Respondents**AND****WPC No. 1360 of 2018**

Dewendra Kumar Saluja S/o Shri Gurdas Mal Saluja, Aged About 51
Years Presently Carrying Business At Shop No. 06, Geetanjali
Bhawan, Old Bus Stand, Korba, 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.
2. Municipal Corporation Korba, Through Commissioner, Municipal Corporation, Korba, District Korba Chhattisgarh.
3. Estate Officer, Municipal Corporation, Korba, District Korba Chhattisgarh.

----Respondents**AND****WPC No. 1363 of 2018**

Kishor Tilwani S/o Late Shri Dataram Tilwani, Aged About 48 Years
Presently Carrying Business At Shop No. 16, Geetanjali Bhawan, Old
Bus Stand, Korba, 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.
2. Municipal Corporation Korba, Through Commissioner, Municipal Corporation, Korba, District Korba Chhattisgarh.

3. Estate Officer, Municipal Corporation, Korba, District Korba Chhattisgarh.

----Respondents

For Petitioners	:	Mr. Sudeep Agrawal, Advocate
For State	:	Mr. Shashank Thakur, Govt. Advocate
For the Respondents No. 2 & 3:	:	Mr. Mayank Kumar, Advocate under instructions of Mr. Dheeraj Wankhede, Advocate.

Hon'ble Shri Justice P. Sam Koshy
Order on Board

17/05/2018

1. The challenge in the present bunch of writ petitions was the impugned notices seeking recovery of arrears of rent of the shops, which were in possession of each of the petitioners 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 petitioners and which by efflux of time has got expired.
2. The counsel for the petitioners submits that they have already made a representation, which is pending consideration with the respondents, but without deciding the said representations, the respondents have refused renewal of the lease deed, till the petitioners 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 representations of the petitioners are pending, let the authorities take a decision on the representations so filed by the petitioners to the said submission of the counsel for the respondents. The counsel for the petitioners has expresses 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

petitions pending and all these writ petitions stand disposed of giving a liberty to the petitioners to file an additional representation, if they so desire, within a period 10 days from today taking all those legal grounds, which the petitioners have raised in the present writ petitions 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 petitioners in their representations.

5. Till the representations are 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 representations 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 petitioners 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 petitioners.
7. The writ petitions thus stand disposed off.

Sd/-
(P. Sam Koshy)
Judge