

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1393 of 2018

Dewendra Kumar Saluja S/o Shri Gurdas Mal Saluja, Aged About 51 Years Presently Carrying Business At Shop No. 03, 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 petitioner - Shri Sudeep Agrawal, Advocate.
For State- Shri Sangarsh Pandey, Dy.G.A.
For respondents No.2 & 3 – Shri Aman Tamboli, Advocate appears on behalf of Shri Dhiraj Kumar Wankhede, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order

17/05/2018

Heard.

1. Learned counsel for the petitioner submits that in the similar likewise nature of bunch of petitions, coordinate bench of this court has ordered for deciding representation of the petitioners and similar orders may be passed.
2. Background of the case is that lease was granted to the petitioner for a period from 12/04/1983 to 11/04/2013. It is stated even after expiry of lease period petitioner is still in possession of lease hold premises. It is contended that lease deed contains renewal clause, therefore respondent lessor may be directed to renew the lease and they may be restrained to ask for recovery of the arrears of rent on the basis of the earlier

agreement in between the parties.

3. Perusal of the record would show that terms were settled in between lessor and lessee. It is for the lessor to consider to his choice whether lease to be renewed or not, they cannot be compelled to do so. The relief in like nature can be granted in a civil proceedings as it will require necessary evidence of parties to justify the reasonings of doing. The relation between the lessor and lessee would be governed by the provisions of Transfer of Property Act. Petitioner may file suitable representation or any suit if so advised. Therefore this court is not inclined to pass any order touching merits of the case. Since the co-ordinate bench has ordered to decide the representation to be decided if filed, to hold the parity it is directed that the petitioner if so advised may file suitable representation before the concerned authority which may be decided in accordance with law.

4. With such observation, the petition stands disposed of.

Sd/-

(Goutam Bhaduri)

JUDGE