

HIGH COURT OF CHHATTISGARH, BILASPUR

WP (227) No. 605 of 2018

1. Raghav Singh, S/o. Shri Bisun Singh, Aged About 60 Years.
2. Ashok Singh, S/o. Shri Raghav Singh, Aged About 35 Years.
Both R/o Q No. 09/C, Street 14, Sector 04, Bhilai Nagar, Tahsil & District Durg Chhattisgarh.

--- Petitioners

Versus

Chief Executive Officer, Bhilai Steel Plant, Bhilai, 2nd Floor, Ispat Bhawan Tahsil & District Durg Chhattisgarh.

-- Respondent

For Petitioner : Mr. Vipin Tiwari, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

19.07.2018

1. The present petition is against the order dated 03.07.2018 whereby the learned Additional District Judge, Durg, has affirmed the order dated 20.05.2017 passed by the Estate Officer under Public Premises (Eviction of Unauthorized Occupants) Act, 1971.
2. Learned counsel for the petitioners submits that the father of the petitioner No.1 was an ex-employee of Bhilai Steel Plant (for short "BSP"). According to the policy of the BSP, BSP agreed to allot a house in favour of the father of the petitioner No.1, which was registered also bearing registration No.1776 but subsequently the allotment of the house was not given. It is further contended that the petitioners who are in occupant of a house may be allowed to occupy the house till the subsequent allotment is made.
3. Perusal of the order shows that the petitioners were in occupation of the house bearing No.9/C, Sector 2 in Street No.14. According to the

BSP, they were the illegal occupant of the house, as such, they were served with a notice to vacate the same. After service of notice to vacate the house, the petitioners came out with a reply that they have applied for allotment of house by licence and they were allotted Qtr. No.21 Block 4, Street No.2, Sector 5, but since the house was situated at first floor, a request was made for another house. It was further case of the petitioner that the person who was occupying that house, no objection was also given.

4. During the course of trial before the Estate Officer, petitioner No.2, Ashok Singh, admitted that he was served with a notice by BSP to get the house vacated as illegal occupant. Thereafter, when within specified time, the house was not vacated, an application was preferred before the Estate Officer, BSP, to get the house vacated. It was the further case of the petitioners that they were allotted with a house but no document was ever produced, it was only oral. Consequently, the Court below held that the petitioners were not in possession of any document to show that they were legally allotted the house i.e. Qtr. No. 9/C, Sector 2, Street No.14. An admission was also made during the course of trial that copy of the allotment was not served to them. This Court, therefore, at this stage, while adjudicating the authenticity of the order dated 03.07.2018 passed by the appellate Court as also the order dated 20.05.2017 passed by the Estate Officer is only confined with the lis of ejectment and whether the petitioners were lawful possession of the property or not. The submission that petitioners were promised to be given another property is not concerned to decide the lis of this petition. The finding of fact of both the Court below shows that the petitioners were not allotted to occupy the subject property i.e. Flat/Premises Qtr. 9/C, Sector 2, Street No.14,

as such, I do not find any merit in this petition to interfere with the finding of fact of both the Court below in exercise of power under Section 227 of the Constitution as admittedly no documents exists to show such allotment.

5. In view of the above, the petition has no merit and accordingly is dismissed.

**Sd/-
(GOUTAM BHADURI)
JUDGE**