

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 6555 of 2018

Devraj Singh Rajput S/o Late Fatte Singh Rajput, Aged About 53 Years,
R/o House No. 39/9 Nehru Nagar (West), Bhilai, District Durg
Chhattisgarh.

---Petitioner

Versus

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

---Respondents

For petitioner	:	Shri Raghvendra Pradhan, Advocate.
For resp.No.1	:	Shri Anup Majumdar, Advocate.
For State	:	Shri S.P.Kale, Dy.A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

04/10/2018

1. The challenge in the present Writ Petition is to the notice of recovery issued by the respondents on 31/01/2018 whereby the respondents have issued an order of recovery for an amount of Rs. 5,29,200/- from the petitioner on account of his alleged illegal occupation of the quarter belonging to the respondent No.1.
2. The contention of the counsel for the petitioner is that, the petitioner was initially engaged as a Daily Wage Employee under the respondent No.2 in the year 1991 and in due course of time the services of the petitioner got regularized on the post of Assistant Revenue Inspector on 15/08/2008 and

since then he is continuously working under the respondent No.1. He further submits that, on account of the fact that there was no house for the petitioner to reside and that his native place was quite far of, the petitioner occupied one of the vacant quarter belonging to the respondent No.2 since December-2013. Thereafter the petitioner has moved an application for allotment of the quarter and subsequently also he had been making efforts with the respondent No.1, but no quarter was allotted to the petitioner. Meanwhile, the respondents have issued notice of eviction to the petitioner and thereafter since the petitioner did not vacate the quarter on account of non availability of any other suitable premises and also hoping that the respondent No.1 would officially be allotting a quarter to him, the petitioner remained in occupation of the said quarter till December-2017. Thereafter, the petitioner has vacated the premises. That now the impugned notice of recovery has been issued to the petitioner claiming penal rent for the unauthorized occupation of the quarter of the respondent No.1.

3. In the given facts that the said quarter was never allotted to a different 3rd person and that the petitioner admittedly is an employee of the respondent No.1 and his application for allotment of quarter is still pending consideration before the authorities, let the respondent No.1 take a decision on the application for allotment of quarter to the petitioner and at the same time shall also reconsider the issue of imposition of penal rent from the petitioner considering the fact that he is a low paid employee and is still working with them.

4. Let this exercise be done within a period of 90 days from today.

5. Till the respondents take a decision on the application for allotment of quarter as also till the reconsideration is done by the respondents so far as imposition of penal rent is concerned, the respondents shall not take any coercive measure for recovering the amount assessed as penal rent from the petitioner.
6. The Writ Petition accordingly stands allowed and disposed off.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit