

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 298 of 2019**

Kapoor Singh, S/o Late Shri Vachan Singh, aged about 68 years,
R/o Qtr. No. 6/A, Street No. 35, Sector – 10, Bhilai Nagar, Tahsil &
Dist. Durg, Chhattisgarh.

---- Petitioner/Non-applicant**Versus**

Steel Authority of India Limited, Through Chief Executive Officer,
Bhilai Steel Plant, Bhilai, Tahsil & Dist. Durg, Chhattisgarh.

--- Respondent/Applicant

For Petitioner : Mr. M.P.S. Bhatia, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****10.04.2019**

1. The petitioner retired from Bhilai Steel Plant on 31/7/2010. While he was in service, he was allotted a Government quarter and after his retirement, on his request it was extended for two more years i.e. upto 31/07/2012. But on completion of those two years, he failed to vacate the premises. Consequently, he was served with notice and ultimately, the order dated 12/05/2015 was passed by the Estate Officer under Section 5 (1) of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (henceforth "the Act of 1971") directing him to vacate the said premises which he challenged by filing an appeal under Section 9 of the Act of 1971. Learned District Judge dismissed the appeal vide order dated 13/02/2019 finding no merit against which this writ petition has been preferred by the petitioner.

2. Learned counsel for the petitioner submits that the impugned order passed by the District Judge is unsustainable and bad in law.
3. I have heard learned counsel for the petitioner, considered his submissions and went through the records with utmost circumspection.
4. The petitioner has already retired from service and on his request time upto two years i.e. 31/07/2010 was further granted to him to vacate the premises subject to a sum of Rs. 3,00,000/- for allotment of the premises. After completion of two years, his possession has become unauthorised and he has been directed to vacate the said premises under Section 5 (1) of the Act of 1971 which has rightly been affirmed by learned District Judge vide order dated 13/02/2019 in the appeal preferred by the petitioner in which I do not find any perversity or illegality warranting interference under Section 227 of the Constitution of India.
5. However, considering his need and looking to the fact that he has no accommodation at all, he is granted time upto 31st July, 2019, subject to furnishing and undertaking before the Bhilai Steel Plant that he will vacate the said premises on or before 31st July, 2019.
6. With the aforesaid observations, this writ petition under Article 227 of the Constitution of India stands disposed off. No cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge