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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 3226 of 2017**

1. Indian Oil Corporation Limited, a body incorporate having common seal and perpetual succession wholly owned and controlled by the Central Government, having its registered office at G-9, Ali Yawar Jung Marg, Bandra (E), Mumbai and inter alia a divisional Office at Jeevan Bima Marg, LIC Building, Pandri, Raipur (CG), through its Shailendra Shrivastava, Manager (RS), RPDO, Indian Oil Corporation, Raipur
2. Shailendra Shrivastava, Son of Late Surendra Kumar Shrivastava, aged about 44 years, Manager (RS), RPDO, Indian Oil Corporation, Raipur and resident of Indian Oil Bhawan, VIP Road, Raipur, Civil and Revenue District Raipur

---- Petitioners**Versus**

1. State of Chhattisgarh through the Secretary, Department of Revenue / Urban Administration, Mahanadi Bhawan, Mantralaya, Capital Complex, Naya Raipur, District Raipur, Chhattisgarh
2. The Collector (Nazul Branch), District Raipur
3. The Nazul Officer, Raipur
4. Municipal Corporation, Raipur through its Commissioner, Raipur

---- Respondents

For Petitioners	:	Mr. B. P. Sharma, Advocate
For State	:	Ms. Sunita Jain, Govt. Advocate
For Municipal Corporation	:	Mr. H. B. Agrawal, Sr. Advocate with Ms. Richa Dwivedi, Advocate

Writ Petition (C) No. 4347 of 2019

1. Indian Oil Corporation Limited, a body incorporate having common seal and perpetual succession wholly owned and controlled by the Central Government, having its registered office at G-9, Ali Yawar Jung Marg, Bandra (E), Mumbai and inter alia a divisional Office at Jeevan Bima Marg, LIC Building, Pandri, Raipur (CG), through its Santosh Kumar S/o Late Baban Mishra, aged about 39 years, Chief Divisional Retail Sales Manger, RPDO, Indian Oil Corporation, Raipur
2. Santosh Kumar S/o Shri Babban Mishra, aged about 39 years, Chief Divisional Retail Sales Manger, RPDO, Indian Oil Corporation, Raipur and resident of Indian Oil Bhawan, VIP Road, Raipur

---- Petitioners

Versus

5. State of Chhattisgarh through the Secretary, Department of Revenue / Urban Administration, Mahanadi Bhawan, Mantralaya, Capital Complex, Naya Raipur, District Raipur, Chhattisgarh
6. The Tahsildar (Nazul), Raipur

---- Respondents

For Petitioners	:	Mr. B. P. Sharma, Advocate
For State	:	Ms. Sunita Jain, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy

Order On Board

19.12.2019

1. The present two writ petitions have been filed challenging the rejection of the application for renewal of lease by the respondent no.2 i.e. the office of the Collector, Raipur dated 16.10.2017 (Annexure P-1) in WPC No. 3226/17 and also challenging the notice of eviction dated 15.11.2019 (Annexure P-1) in WPC No. 4347/19 issued by the

respondents treating the petitioner as an encroacher, the respondents have issued a proceeding for removal of encroachment and directed the petitioner to approach before the Tahsildar, Nazul.

2. Pending the writ petition, the petitioners had again approached the respondent authorities to take an appropriate decision on the claim of the petitioners for renewal of lease and for regularization of possession over the said property as per the guidelines and the circular of the State Govt. dated 11.09.2019. The respondent authorities thereby had shown a positive response. According to the petitioners, the letter dated 30.11.2019 was issued from the office of the Tahsildar whereby the present date lease rent and other fees payable by the petitioners have been recalculated which would enable the petitioners for renewal of their lease on the said property if the said rent and fees is acceptable to them.
3. The petitioners have moved an application for disposal of the writ petitions in the light of the subsequent developments wherein the petitioners have submitted their willingness to accept the calculation made by the State authorities for renewal of lease which stood in the name of the petitioner no.1.
4. To this limited relief that the petitioners have sought for vide I.A. No.02 the State Authorities do not have any objection subject to verification of the aforementioned facts.
5. Given the said fact that the State authorities have now given a revised statement of lease rent for the said property which situates at Rajbandha Maidan, GE Road, Raipur where the petitioners have been

operating the said outlet for more than 4 decades would stand regularized provided the petitioners accept the revised lease rent and fees.

6. In view of the same, this Court is of the opinion that no fruitful purpose would be served in continuing with the writ petition any further. Accordingly, in terms of the subsequent developments that have transpired wherein according to the petitioner, the Office of the Tahsildar has already given a revised lease rent and other calculation payable on the part of the petitioners enabling the State Authorities for renewal of lease, both the writ petitions stand disposed of directing the concerned authorities to take an appropriate decision at the earliest in terms of the subsequent developments particularly the revised calculation sheet that is said to have been issued from the office of the Tahsildar as per the letter dated 30.11.2019.
7. It is expected that the authorities concerned would take a decision subject to verification of facts at the earliest. Till then the possession of the petitioners shall not be disturbed.
8. Both the writ petitions accordingly stand disposed of.

Sd/-
P. Sam Koshy
Judge