

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 545 of 2020**

B.P. Souhgaura S/o Shri Chhote Lal Souhgaura Aged About 53 Years
Presently Working As Under Secretary, Department Of Law And Legislative
Affairs, Mantralay, Raipur, R/o G-27, Nutan Colony, Bilaspur, Police Station
Sarkanda, Tahsil And District Bilaspur, Chhattisgarh.

---- **Petitioner**

Versus

1. The Collector Bilaspur, District Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
2. The Deputy Collector Bilaspur, District Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
3. The Sub Divisional Officer Revenue, Bilaspur, District Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
4. Mrs. Sangeeta Sahu W/o Jagdish Prasad Sahu Aged About 30 Years
Working As Staff Nurse, Cims Hospital, Bilaspur, Police Station Citi Kotwali,
Bilaspur, District Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- **Respondents**

For Petitioner	:	Mr. Shashank Thakur, Advocate
For State	:	Mr. Ayaz Naved, GA

Hon'ble Shri Justice P. Sam Koshy

Order on Board

05/02/2020

1. counsel for the petitioner at the outset prays for considering the application for amendment, whereby the petitioner seeks to delete the name of respondent No.1 from the array of parties.
2. The said application is not opposed by the State counsel.
3. Accordingly, I.A. No.2 stands allowed.
4. Let necessary amendment be carried out during the course of the day itself.

5. The facts which leads to the filing of the present writ petition is the issuance of an order Annexure P-1 & Annexure P-2 whereby the quarter belonging to the respondent i.e. Quarter No.G-27 situated at Nutan Colony, Sarkanda, Bilaspur which was earlier allotted to the petitioner has since been allotted to respondent No.4 after cancelling the allotment of the petitioner and thereafter eviction notice having being issued.
6. Counsel for the petitioner draw the attention of this Court to the order Annexure P-6 dated 28.08.2019 which is an order passed by the Deputy Collector on behalf of the Collector, Bilaspur whereby the petitioner has been permitted to retain the said accommodation till 31.12.2019. Counsel for the petitioner submits that as of now the petitioner is regularly paying the penal rent to the department for the said retention of the quarter and he further undertakes that on account of fact that petitioner's under construction house is going to get complete in short period of time, he may be granted further extension of some more time for retaining the said accommodation.
7. Counsel for the petitioner further submits that Annexure P-6 dated 28.08.2019 was issued subsequent to the eviction notice which was earlier issued by the respondent on 22.07.2019. Counsel for the petitioner gives an undertaking that petitioner shall not seek any further extension of time from any authority for retention of the aforesaid quarter and he may be permitted to retain the quarter just for a couple of months so that the petitioner can shift directly to the new house that he is constructing.
8. State counsel on the other hand submits that petitioner request had already been acceded by the Deputy Collector vide Annexure P-6 and thereafter the petitioner does not have any right whatsoever for

retaining the said quarter. He further submits that allotment has already been made to the private respondent and further is pursuing to occupy the said quarter as she is also in dire need of government accommodation. Therefore, extension may not be granted.

9. Be that as it may, considering the fact that respondent authorities have themselves granted the petitioner extension of time till 31.12.2019, also considering the fact that counsel for the petitioner undertakes that petitioner shall not seek any further extension of time and he shall duly vacate the premise within the extended period of time, this Court is of the opinion that ends of justice would meet if the case of the petitioner is considered sympathetically and petitioner is granted 90 days period to retain the said accommodation. The petitioner shall duly vacate the premises without seeking any further extension of time beyond this extended period of 90 days starting from today. The petitioner would meanwhile have to pay the penal rent applicable on the said accommodation.
10. With the aforesaid directions, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge