

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 996 of 2020**

1. Maa Sharda Vidya Mandir Higher Secondary School, Ramkrishna Mission, Near Vivekanand Ashram, Adarsh Bazar Raipur, Tahsil And District- Raipur, Chhattisgarh, Managed By Prashanti Vahini Shikshan Samiti, Through Secretary Bharatlal Manikpuri, S/o Late Khedu Das Manikpuri, Aged About- 70 Years Ramkrishna Mission, Near Vivekanand Ashram, Adarsh Bazar Raipur, Tahsil And District : Raipur, Chhattisgarh

---- Petitioner**Versus**

1. Raipur Development Authority, Through Chief Executive Officer, 2nd Floor, Bhakt Mata Karma Vyavsaik Parisar, New Rajendra Nagar Raipur, Tahsil And District : Raipur, Chhattisgarh
2. Zone Commissioner, Zone No.- 05, Municipal Corporation Raipur, Edgabhatha New Pani Tanki Parisar Raipur, Tahsil And District : Raipur, Chhattisgarh
3. Collector Raipur, District : Raipur, Chhattisgarh

---Respondents

For Petitioner	:	Mr. Kripesh G. Kela, Advocate
For State/Resp. No. 3	:	Mr. Jitendra Pali, Dy. Adv. General
For Respondents	:	Mr. Kishore Bhaduri, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****23.03.2020**

1. The grievance of the petitioner in the present writ petition is to the order Annexure P-6 dated 10.02.2020 and Annexure P-8 dated 09.03.2020. Annexure P-6 is an order passed by the respondent no. 3 directing the petitioner to vacate the premises on account of the condition of the building, which the petitioners were occupying to be in a dilapidated condition. Annexure P-8 is a document, which again

has been issued by the Revenue Inspector to the respondent no. 1, whereby the respondent has asked for payment of the arrears of rent from the petitioner to the tune of Rs. 82,67,211/-.

2. The counsel for the petitioner submits that the petitioner had been using the said building on rent and was also paying the rent regularly however after sometime since there was some confusion, so far as the calculation of the rent is concerned, the petitioner has not released /paid the rent since 2015 onwards.
3. At this juncture, the respondent no. 1 pointed out to a document Annexure P-10, which would show that the petitioner has in fact in between 2010-2015 also had defaulted in payment of the regular rent and there are arrears of rent for that period also, which till date has not been released. So far as the condition of the building being dilapidated is concerned, the counsel for the petitioner submits that some reasonable time be given/offered within which they may make an alternative arrangement for shifting the school to a new premise.
4. Given the said submissions by the counsel for the petitioner, this Court is of the opinion that considering the present situation that the State is facing and also taking into consideration the overall factual matrix of the case, it would be appropriate to dispose off the writ petition at this juncture granting the petitioner time up till 01st of July, 2020 to make alternative arrangement to shift the school and handing over the possession to the respondent no. 1. Meanwhile, it is also expected that the petitioner shall clear the entire dues/arrears of rent and would also ensure paying regular rent up till 01st of July, 2020. Subject to the petitioner depositing the entire arrears of rent within a period of sixty days and the petitioner ensuring that the premises

stands vacated by 01st of July, 2020 taking into consideration the condition of the building, the execution of Annexure P-6 and P-8 shall not be given effect till 01st of July, 2020.

5. With the aforesaid observation, the writ petition stands disposed-off.

**Sd/-
(P. Sam Koshy)
Judge**

Rahul

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCC No. 341 of 2020

1. Maa Sharda Vidya Mandir Higher Secondary School, Ramkrishna Mission, Near Vivekanand Ashram, Adarsh Bazar Raipur, Tahsil And District- Raipur, Chhattisgarh, Managed By Prashanti Wahini Shikshan Samiti, Through Secretary Bharatlal Manikpuri, S/o Late Khedu Das Manikpuri, Aged About 70 Years, Ramkrishna Mission, Near Vivekanand Ashram, Adarsh Bazar Raipur, Tahsil And District- Raipur, Chhattisgarh

---- Applicant

Versus

1. Raipur Development Authority, Through Chief Executive Officer, 2nd Floor, Bhakt Mata Karma Vyavsaik Parisar, New Rajendra Nagar Raipur, Tahsil And District- Raipur, Chhattisgarh
2. Zone Commissioner, Zone No.- 05, Municipal Corporation Raipur, Edgabhatha New Pani Tanki Parisar Raipur, Tahsil And District- Raipur, Chhattisgarh
3. Collector Raipur, District- Raipur, Chhattisgarh

-----Respondents

For Applicant	: Mr. Devesh G. Kela, Advocate
For Respondent No. 1	: Mr. Kishore Bhaduri, Advocate
For Respondent No. 2	: Mr. Kashif Shakeel, Advocate
For State	: Smt. Sunita Jain, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

29.06.2020

1. The present MCC has been filed seeking extension of time for compliance of the Order dated 23.03.2020 passed by this Court in WP(C) No. 996 of 2020. Vide the said order dated 23.03.2020, this Court had directed the petitioners to vacate the property in question by July, 2020 and also to clear the entire outstanding rent, which was

to be calculated by the respondent no.1-authority.

2. The applicant today submits that on account of the lockdown situation prevailing in the State and particularly at Raipur, the applicant could not make the alternative arrangement. So far as the outstanding rent is concerned the contention of the counsel for the petitioner/applicant is that they have already approached the concerned authorities for making the calculation in-respect-of the outstanding dues and immediately on receipt of the calculation within a reasonable time, they shall clear the entire dues also.
3. The counsel for the respondent authorities submits that the applicant should have at least shown bonafides by depositing the old agreed leased rent up till date meanwhile, the calculation from the authorities side would have been done for compliance. They further contended that the vacation of the premises itself having not done, shows the intention of the applicant.
4. Meanwhile, the counsel appearing for the Municipal Corporation submits that the Corporation had issued the notice taking into consideration the dilapidated condition of the building. Thus, according to the counsel for the Municipal Corporation, there is an apparent threat on the safety of students, teachers and other staff studying and working in the said school, if they continue to undergo education under the present situation, particularly during this monsoon season also.
5. Having heard the contentions put-forth on either side and on perusal of the records, particularly the factual matrix of the case admittedly the lockdown situation was prevailing for considerable period time.

Things have not improved much as of now, which itself suggest that there were definitely certain practical difficulties which the applicant/petitioner must have faced.

6. Today, when the matter is taken up for hearing Shri Devesh G. Kela appearing for the applicant submits that he undertakes that the educational institution would make alternative arrangement and shift from the present premises at any cost by 31st December, 2020 and meanwhile, he also undertakes to clear the entire outstanding rent, which would be calculated by the respondent-authorities.
7. Given the said undertaking and considering the submission by the applicant/petitioner for moving out of the premises to be reasonable, particularly considering the monsoon season that has approached, this Court disposes off the present MCC taking note of the undertaking of the applicant directing the applicants that under any circumstance they shall vacate the premises by 31st December, 2020. Meanwhile, it is directed that on the Raipur Development Authority providing the calculation of rent to be paid by the petitioner, the applicant/petitioner shall also clear the entire rent payable to the Raipur Development Authority within a period of sixty days from the date of receipt of the actual calculation provided by Authority. It is made clear that the applicant/petitioner shall not approach this Court for further extension of time and they shall ensure that the premises is vacated within the extended stipulated period of time provided to them.

8. The present MCC stands allowed and disposed off. Let a copy of this Order be made a part of record of WPC No. 996 of 2020.

Sd/-
(P. Sam Koshy)
Judge

Rahul