

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 4730 of 2019**

P. S. Chouhan S/o Late D.S. Chouhan, Aged About 81 Years, R/o Smriti Bhawan, Near Shahid Chowk, Station Road, Durg, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Collector (Nazul), Durg, Chhattisgarh
2. Commissioner, Durg Division, Durg, Chhattisgarh
3. Nazul Officer O/o The Collector, Durg, Chhattisgarh
4. Sukhbir Singh Raghav S/o Late Surendra Singh Raghav, Aged About 59 Years, R/o 5/6 Mahavir Nagar, Ring Road, Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Jitendra Gupta with Mr. C. P. Soni, Advocates
For State	:	Mr. Ishan Verma, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****02.01.2020**

1. The challenge in the present writ petition is to the order Annexure P-1 dated 05.09.2019 passed by the Commissioner, Durg Division, Durg.
2. The grievance of the petitioner is to the extent of an amount of Rs.12,720/- which is allegedly to have been illegally obtained from the petitioner as lease rent.
3. On a query being put to the counsel for the petitioner he candidly accepted the finding of the learned Commissioner that the petitioner was in possession of the said property all along even during the period from 2002 to 2007 and between 2002 to 2007, it was the petitioner

alone who had enjoyed possession over the said property.

4. Undisputedly, the petitioner, at the first instance, had moved an application for renewal of lease in the year 2002 itself when he was in possession over the said property. Though the said application was initially rejected in 2002 but subsequently on another application being made by the petitioner, the same was reconsidered and finally the allotment was made afresh in the year 2007. When the allotment was made in the year 2007, the petitioner was made to pay lease rent for the period he was in possession of the said property between 2002 to 2007 as well.
5. To this finding of the learned Commissioner, there is no dispute by the counsel for the petitioner.
6. Given the said facts, the finding given by the respondent no.2 while passing the impugned order Annexure P-1 cannot be said to be either bad in law or contrary to any law. Undisputedly, the petitioner was in occupation of the said property uninterruptedly during the period 2002 to 2007, therefore, he is liable to pay rent for the said period also. This Court does not find any strong case made out by the petitioner calling for an interference with the said finding by the respondent no.2 while passing Annexure P-1. Accordingly, the present writ petition fails and stands dismissed.
7. The rejection of this writ petition would not preclude the petitioner from availing other remedies open to him.

Sd/-
P. Sam Koshy
Judge