

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1912 of 2021

- Devanti Singh Wd/o Late Krishna Kumar Singh Aged About 55 Years Prop. Late Krishna Kumar Singh, S/o Late Ram Sakal Singh , K.K. Engineering Works, Industrial Area, Bhilai, Plot No. 15/D L.I.A District Durg, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Commerce And Industry , Mantralaya , Mahanadi Bhawan, Naya Raipur , District Raipur , Chhattisgarh
2. Sub Divisional Officer (Revenue) Durg, District Durg, Chhattisgarh
3. General Manager District Trade And Industries Centre, Durg, District Durg, Chhattisgarh
4. Additional Tehsildar Bhilai Nagar, Sub Tehsil, Bhilai Nagar, District Durg Chhattisgarh

---- Respondents

For Petitioner : Shri B.P. Singh, Advocate

For Respondents/State : Ms. Sunita Jain, GA

Hon'ble Shri Justice Goutam Bhaduri

Order

12/04/2021

1. Heard.
2. Challenge in this petition is to the order dated 22.01.2021 passed under the C.G. Lok Parisar (Bedakhali) Adhiniyam, 1974 (for short 'the Act, 1974').
3. Learned counsel for the petitioner would submit that the petitioner is the widow

of one Krishna Kumar Singh, who was granted lease on 26 November, 1981 and the lease was uptill 25.11.2080. He would further submit that after the death of the original lessee, the petitioner being the wife was carrying on the business on the said premises, however, initially ejectment order was passed under the Act, 1974 which was subject of challenge. He would further submit that the appeal having been dismissed, the representation was filed and the same was also dismissed. It is further submitted that before the cancellation of the lease, the petitioner should have been given the show-cause notice and thereafter the order could have been passed as such the order dated 22.01.2021 is bad in law.

4. Per contra, learned State counsel would submit that the initial order of ejectment having been passed, it was subject of appeal and in 2008 the appeal was dismissed against which the representation was filed, which too was dismissed. She would further submit that again another review petition was filed which too was dismissed in the year 2017 and Annexure P-1 is only the part of execution, therefore, the original order itself has not been challenged, the effect of Annexure P-1 cannot be stayed.
5. Perused the documents. Perusal of the documents would show that the husband of the petitioner was granted a lease of the land in the industrial area and after his death since the business was not carried out, the ejectment order was passed on 31.10.2007 and the lease was canceled. This was subject of challenge and the appellate authority on 21.02.2008 (Annexure P-6) dismissed the appeal. Against such dismissal of appeal again the application was filed before the State, which was dismissed on 12.05.2017 (Annexure P-8). Against

such dismissal of the representation, another representation was filed. The events of the facts would show that the original order of ejectment was of the year 2007 and subsequently it was affirmed by the appellate Forum on 21st of February, 2008.

6. Section 9 of the Act, 1974 provides for appeal and the appeal having been dismissed, as per Section 10 of the Act, 1974 the order has reached its finality. However, in this case, the review petition was filed before the State that too was dismissed, therefore, the initial order was passed in the year 2007 and which was affirmed in 2008 and the instant order dated 22.01.2021 (Annexure P-1) is only the execution part pursuant to the initial order which was passed in the year 2007 & 2008. Since the ejectment order has reached its finality wayback in the year 2008 and the subsequent representation was also dismissed, this petition suffers from delay and laches and execution part of the order cannot be subject of challenge if the original order of ejectment has not been challenged by the petitioner.
7. Therefore, the petition sans merit is liable to be and is hereby dismissed.

Sd/-

Goutam Bhaduri
Judge

Ashu