

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2210 of 2021

Smt. Kiran Singh, Aged About 35 Years W/o Late Sudhanshu Shekhar Singh, R/o - C - 202, Indraprasth Apartment Raipura, Raipur, Tahsil And District - Raipur (C.G.) At Present R/o - C-502, Indraprasth (120) Flat Raipur, Tahsil And District - Raipur Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Revenue, New Mantralaya, Mahanadi Bhawan, Raipur, Police Station Kewli, Tahsil, Civil And Revenue District Raipur Chhattisgarh.
2. Smt. Sunita Singh, Aged About 65 Years (As Per The Aadhar Card)W/o Sudhir Kumar Singh, R/o - C-502, Indraprasth (120) Flat Raipur, Tahsil And District- Raipur (C.G.)
At Present R/o - Plot No. 4, Scheme 2 B, J D A Colony, Near Bidla Dhamsala, Nehru Nagar Jabalpur, Tahsil And District - Jabalpur (M.P.)
3. Sub - Divisional Magistrate Raipur, Tahsil And District - Raipur Chhattisgarh.

---- Respondents

For petitioner	:	Shri Ratnesh Kumar Agrawal, Advocate.
For State	:	Shri Ravi Bhagat, Dy.G.A.
For respondent No.2:	:	Smt. Ranjana Jaiswal, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order

29/09/2021

Heard.

1. Instant petition is filed by the daughter-in-law against the respondent No.2 who is a senior citizen against the order dated 26/03/2021 passed by the SDO wherein the petitioner has been asked to vacate the flat bearing number C-502 at fifth floor which belong to the respondent No.2. On the earlier occasion the petitioner was granted some time to amicably settle the matter however the same could not be settled.
2. Learned counsel for the petitioner would submit that the order

impugned dated 26/03/2021 is bad in law as the SDO was not authorised to pass such order and opportunity of hearing was not given to the petitioner. It is further submitted that vacating order has been passed on the application of the respondent No.2 the mother-in-law and she is in occupation of her house at Jabalpur and the subject flat was rented out, therefore it is not a accommodation which would be required to them. It is further submitted that opportunity of evidence was not granted to the petitioner whereas it was granted to the respondent No.2. Therefore, the order may be set aside.

3. Per contra, learned counsel for respondent No.2 would submit that the petitioner by breaking open the lock has entered into the flat which belong to the respondent No.2. It is stated that the petitioner is daughter-in-law and by force she has deprived the respondent No.2 to enjoy her property, therefore the order is well merited which do not require any interference.

4. During the course of submission, learned counsel for the petitioner submits that the petitioner wants to withdraw this petition and gave a undertaking that she will vacate the flat within a period of three months.

5. Learned counsel for the respondent No.2 accedes to the same.

6. In view of such undertaking, three months time is granted to the petitioner from today to give the vacant flat to the respondent No.2.

7. In view of the above, the petition is dismissed as withdrawn.

Sd/-

(Goutam Bhaduri)

JUDGE