

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4585 of 1984

Date of decision: 31-7-1996

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

-----  
SURAJSING C. LAURE

Versus

DEPUTY COLLECTOR  
-----

Appearance:

MS VASUBEN P SHAH for Petitioner  
Mr. N. N. PANDYA for Respondent No. 1  
SERVED for Respondent No. 3  
MR MI PATEL for Respondent No. 4  
-----

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 31/07/96

ORAL JUDGEMENT

Having heard the learned counsel for the parties I do not find any substance in the special civil application. It is not in dispute that the lease of the land granted to the petitioner had automatically come to end on 30th June, 1984. The respondents had taken care to give one month's notice to the petitioner. Instead of surrendering possession of the land to the respondents the petitioner has taken the matter in litigation. When he lost in appeal he filed this special civil application.

2. The counsel for the petitioner could not make out any case in favour of the petitioner. The lease was renewed only for one year and the petitioner has no right for renewal of the lease. It is not in dispute that the land in question has been given to respondent No.4 and possession of the same has also been taken. No illegality in the action of the respondents or in the order of the appellate authority is found which calls for interference of this court sitting under Article 226 of the Constitution of India. The petitioner has no legal or fundamental right to continue in possession of the land after expiry of the lease period.

3. It has been contended by the learned counsel for the petitioner that the respondents have caused damage to the property of the petitioner amounting to Rs.12,000/and as such necessary directions be given to the respondents to compensate the petitioner for the loss of property. I do not find any substance in this contention also. It is a question of fact whether the respondents have caused any damage to the property of the petitioner or not. Not only this, the quantum of damage also is a question of fact to be ascertained on the basis of evidence for which appropriate remedy would have been filing of civil suit and not the proceedings under Article 226 of the Constitution of India.

4. In the result the special civil application fails and the same is dismissed. Rule discharged. Interim relief granted earlier stands vacated.

.....

csm