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(1)

Single Bench

IN THE HON'BLE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. (C) NO. 2259 / 2012

Petitioner

:

Gajendra Singh Thakur (New Constable)
S/o Late Laxmi Chand Thakur, Aged
about 21 years, R/o Purani Sadar
Police Line Raipur Govt. House No. H-
38/1471, Raipur, P.S. City Kotwali
Raipur, Post Office Bayran Bazar
Raipur, District Raipur (C.G.).

R No. 2259/12
Presented by Shri. S. Aggarwal
Dated 26/12/12

Versus

Respondents

:

1. State of Chhattisgarh, Through -
The Secretary, Home Department,
Mantralaya, New Raipur, Distt. Raipur-
(C.G.)
2. Deputy Inspector General of Police &
Senior Superintendent of Police,
Raipur, Collectorate Parisar Raipur
(C.G.)
3. Competent Authority, Lok Parisar
Bedakhali Adhiniyam 1974 & Sub
Divisional Officer (Revenue) Raipur
Police Station Gole Bazar Raipur P.O.
Raipur, District - Raipur-(C.G.)



WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION
OF INDIA



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HIGH COURT OF CHHATTISGARH: BILASPUR

SINGLE BENCH: HON'BLE PRASHANT KUMAR MISHRA, J

W.P(C). 2259 of 2012

PETITIONER

Gajendra Singh Thakur

Vs.

RESPONDENT:

State of Chhattisgarh & others

Present:

Mr. Shrawan Agrawal, Counsel for the Petitioner.

Mr. Arun Sao, Govt. Advocate, for the State on advance copy.

ORAL ORDER
(27.12.2012)

1. In this writ petition filed under Article 226 of the Constitution of India, the petitioner has challenged the order dated 15.10.2012 (Annexure P-1) whereby the competent authority under the Lok Parisar Bedakali Adhiniyam, 1974 (for short "Adhiniyam 1974") has directed the petitioner's eviction from residential quarter in his possession. It appears that the petitioner is posted at a different place in Distt. Gariyaband which according to him is a Naxal affected area and he has retained the quarter allotted to him at Raipur compelling the concerned authority to move application before the competent authority under the Adhiniyam, 1974.
2. Learned counsel for the petitioner would submit that by virtue of Circular dated 16.11.2004 (Annexure P-3) petitioner is entitled to retain the quarter allotted to him at the previous place of posting and for this the impugned order deserves to be quashed.
3. Having perused the contents of the writ petition, more particularly, the document (Annexure P-3), it appears to this Court that there is nothing in the order (Annexure P-3) which mandates the Government to provide accommodation to police personnel posted in the Naxal affected areas at the place of his choice or at the previous place of posting. If no accommodation is provided to him, he is entitled to house rent allowance as per the language of the document (Annexure P-3).



4. Learned counsel for the petitioner would admit that the father of petitioner was posted at Raipur for 10 to 15 years and his father died in harness, therefore the petitioner got compassionate appointment as such he is in occupation of the accommodation since then.

5. For the foregoing, this Court is not convinced with the argument that the petitioner is entitled to remain in occupation of the concerned residential quarter allotted to him at Raipur. No case for interference is made out. The writ petition is accordingly dismissed.

6. However, if the petitioner submits an undertaking before the allotment officer within 15 days from today to the effect that he shall vacate the premises immediately after the end of the academic session i.e., by 30th of April, 2013, the order of eviction shall not be acted upon during this period. However, if he fails to submit undertaking within the aforesaid period of 15 days, the authority would be entitled to execute the eviction order after expiry of 15 days.

7. Accordingly, I.A.No.3 for hearing the case during winter vacation and I.A.No.2 for urgent hearing stand disposed of.

C.c. today.

Sd/-
Prashant Kumar Mishra
Judge

Rao