

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No.1446 of 2015

Smt. Anuaara Begum S/o Shekh Babar Ali, Aged About 48 Years R/o A -1,
Vishwakarma Market, Radhika Nagar Road, Krishna Nagar, Supela Bhilai,
District Durg, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through, The Secretary, Urban Administration
Department, New Mantralaya, Mahanadi Bhawan, Raipur (Chhattisgarh)
2. The Collector, Durg (Chhattisgarh)
3. Nagar Palik Nigam Bhilai, Distt.- Durg (Chhattisgarh), Through, The
Commissioner, Nagar Palik Nigam Bhilai, District Durg (Chhattisgarh)
4. The Commisisoner, Nagar Palik Nigam Bhilai, District Durg (Chhattisgarh)
5. The Revenue Officer, Nagar Palik Nigam Bhilai, District Durg (Chhattisgarh)

---- Respondent

For Petitioner	:	Shri Jitendra Gupta, Advocate
For Respondent/State	:	Shri B. Gopa Kumar, Dy.AG
For Respondent/Corporation:		Shri HB Agrawal, Sr. Adv. With Smt. Preeti Yadav, Adv.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

31/03/2016

Heard.

2. The petitioner has approached this Court with the grievance that despite Corporation having taken huge amount from the petitioner and executed lease deed in his favour as back as on 24-07-2000, is not delivering possession for no good reason, and therefore, acting arbitrarily.
3. On the other hand, learned counsel for respondent-Corporation raises serious objection with regard to maintainability of the petition and submits that the remedy of the petitioner lies in filing a suit for recovery on the basis of lease deed. He submits that there are number of litigations pending in the matter and

presently, a suit was filed by the BSP Employees Co-operative Societies and appeal was also filed by the same registered as F.A.No.80/2015, is pending before this Court. Because of pendency of litigations, possession could not be handed over to the petitioner.

4. Respondent-Corporation is state under Article 12 of the Constitution of India, therefore, it has to act in just and fair manner, free from arbitrariness. One could understand that because of any interim order, possession could not be handed over to the petitioner, due to legal impediment. However, in the absence of there being any order from any Court of law, merely because, litigations are pending, the Corporation cannot choose to sit over the matter.

5. In view of above, this petition is disposed off with a direction to respondent-Corporation to examine the whole matter and if there is no order of any Court of law restraining it from handing over possession in pursuance to lease deed, the Corporation should proceed to grant possession to the petitioner.

6. It is made clear that this order shall not come in the way of any of the parties including parties before this Court to take appropriate remedy in the matter.

**Sd/-
Manindra Mohan Shrivastava
Judge**