

(2018) 05 CHH CK 0160

Chhattisgarh High Court

Case No: Writ Petition (C) No. 1318 Of 2018

Dewendra Kumar Saluja

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

Date of Decision: May 17, 2018

Hon'ble Judges: Manindra Mohan Shrivastava, J

Bench: Single Bench

Advocate: Alok Tiwari, S.Majid Ali, Dhiraj Wankhede

Final Decision: Disposed Of

Judgement

Manindra Mohan Shrivastava, J

1. The challenge in the present writ petition was the impugned notice seeking recovery of arrears of rent of the shop, which was in possession of the petitioner during the lease period from 1983 to 2013. In addition, the relief also is for a direction to the respondents to renew the lease, which were in favour of the petitioner and which by efflux of time has got expired.
2. The counsel for the petitioner submits that he has already made a representation, which is pending consideration with the respondents, but without deciding the said representation, the respondents have refused renewal of the lease deed, till the petitioner deposit the enhanced claim of the arrears of rent.
3. At this juncture, the counsel appearing for the respondents No.2 & 3 makes a submission that he has been instructed by the authorities concerned that since the representation of the petitioner is pending, let the authorities take a decision on the representations so filed by the petitioner to the said

submission of the counsel for the respondents. The counsel for the petitioner has expresses his anxiety in respect of the arrears of rent claimed by the respondents.

4. On the aforesaid submissions made by the counsel for the respondents No.2 & 3, this Court is not inclined to keep the writ petition pending and this petition stands disposed off giving a liberty to the petitioner to file an additional representation, if he so desires, within a period 10 days from today taking all those legal grounds, which the petitioner has raised in the present writ petition in the said representation and on the said representation, so made, the respondent authorities would deliberate and take a decision objectively deciding the contentions raised by the petitioner in his representation.

5. Till the representation is decided by the respondents No.2 & 3, no coercive steps shall be taken by the respondents for recovery of the alleged arrears of rent for the period from 1983 to 2013.

6. Pendency of the representation to be decided by the respondents No.2 & 3 should not come in the way of the authorities in renewing the lease deed, which otherwise stood in favour of the petitioner and the authorities may consider the renewal in the light of the clauses which are there in the first lease deed executed in favour of the petitioner.

7. The writ petition thus stands disposed off.