

(2019) 04 CHH CK 0096
In the Chhattisgarh High Court
Case No : Writ Petition 227 No. 297 Of 2019

Shyamala Pillai

APPELLANT

Vs

Steel Authority Of India Limited

RESPONDENT

Date of Decision : 10-04-2019

Acts Referred:

Public Premises (Eviction Of Unauthorised Occupants) Act, 1971 — Section 5(1), 9
Constitution Of India, 1950 — Article 227

Citation : (2019) 04 CHH CK 0096

Hon'ble Judges : Sanjay K. Agrawal, J

Bench : Single Bench

Advocate : M.P.S. Bhatia

Final Decision : Disposed Of

Judgement

Sanjay K. Agrawal, J

1. The petitioner retired from Bhilai Steel Plant on 31/8/2011. While she was in service, she was allotted a Government quarter and after her retirement, on her request it was extended for two more years i.e. upto 31/08/2013. But on completion of those two years, she failed to vacate the premises. Consequently, she was served with notice and ultimately, the order dated 22/07/2015 was passed by the Estate Officer under Section 5 (1) of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (henceforth "the Act of 1971") directing her to vacate the said premises which she challenged by filing an appeal under Section 9 of the Act of 1971. Learned District Judge dismissed the appeal vide order dated 17/10/2018 finding no merit against which this writ petition has been preferred by the petitioner.

2. Learned counsel for the petitioner submits that the impugned order passed by the District Judge is unsustainable and bad in law.

3. I have heard learned counsel for the petitioner, considered his submissions and went through the records with utmost circumspection.

4. The petitioner has already retired from service and on her request time upto two years i.e. 31/08/2013 was further granted to her to vacate the premises subject to payment of a sum of Rs. 3,00,000/- for allotment of the premises. After completion of two years, her possession has become unauthorised and she has been directed to vacate the said premises under Section 5 (1) of the Act of 1971 which has rightly been affirmed by learned District Judge vide order dated 17/10/2018 in the appeal preferred by the petitioner in which I do not find any perversity or illegality warranting interference under Section 227 of the Constitution of India.

5. However, considering her need and looking to the fact that she has no accommodation at all, she is granted time upto 31 st July, 2019, subject to furnishing and undertaking before the Bhilai Steel Plant that she will vacate the said premises on or before 31st July, 2019.

6. With the aforesaid observations, this writ petition under Article 227 of the Constitution of India stands disposed off. No cost(s).