
(2003) 07 JH CK 0045
In the Jharkhand High Court
Case No : L.P.A. No. 526 of 2002

Sudarshan Anand

APPELLANT

Vs

Bokaro Steel Plant and Others

RESPONDENT

Date of Decision : 15-07-2003

Acts Referred:

Public Premises (Eviction of Unauthorised Occupants) Act, 1971 — Section 3

Citation : AIR 2004 Jhar 84 : (2004) AIR Jhar HCR 408 : (2003) 1 JCR 257 : (2005) 1 JLJR 6

Hon'ble Judges : Vikramaditya Prasad, J; Gurusharan Sharma, J

Bench : Division Bench

Advocate : Brij Bihari Sinha, for the Appellant; None, for the Respondent

Final Decision : Dismissed

Judgement

1. The Steel Authority of India Limited, Bokaro Steel Plant as well as M/s. Hindustan Steel Construction Limited, Bokaro Steel City (for short HCCL) . together filed Case No. A/E 80/97, before the Estate Officer, Bokaro Steel City, the authority u/s 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, (hereinafter to be referred to as "the Act") for eviction of Sudarshan Anand, the appellant, from the quarters, which was under his occupation after the death of D.K. Roy, an employee of H.S.C.L. who died in harness and thereafter his name was struck off from the rolls on 2.11.1995.

2. The appellant claims himself to be the nephew/legal heir of deceased O.K. Roy and is continuing in occupation of the said quarter, which he ought to have vacated within four months" of the death of the deceased-employee. Possession of the appellant from 29.3.1996 was unauthorized and he was liable for eviction under the 1971 Act.

3. He contested the case filed u/s 3 of the Act, inter alia, on the ground that the quarter in question was constructed by H.S.C.L. and it never belonged to SAIL, Bokaro Steel Plant. It has also no administrative control over H.S.C.L. He claimed

his entitlement to retain the quarter till payment of the entire legal dues and benefits arising out of the death of his uncle, O.K. Roy.

4. The Estate Officer, by judgment dated 6.12.1999, directed the appellant and all concerned, who were in unauthorized occupation of the quarters, to vacate the same. The said judgment of eviction was challenged by him in appeal, which was heard by the 2nd Additional District Judge, Bokaro and by judgment dated 16th July 2002, the Estate Officer's judgment and order was affirmed and the appeal was dismissed.

5. Both the Courts below found that the quarter in question was, no doubt, constructed by H.S.C.L. but the said construction company was engaged by SAIL for construction and erection of the Bokaro Steel Plant. The land over which the quarter was constructed was handed over by SAIL to H.S.C.L. for their use, in order to meet the residential problem of its employees.

6. It was not a case where the SAIL had transferred its ownership over the land in question to H.S.C.L. SAIL never lost its ownership over the land at any time. It was always under the administrative control of SAIL.

7. The aforesaid orders passed by the authorities under the 1971 Act, was challenged in this Court by the appellant in W.P. (C) No. 4399 of 2002. It was dismissed by the impugned order dated 4.9.2002, by the learned Single Judge, observing that the quarter in question was never allotted to the writ petitioner and he was occupying the same and had not vacated within four months" of the death of D.K. Roy, who was an employee of H.S.C.L.

8. In our view the plea that H.S.C.L. had not paid the legal dues and benefits accrued on account of the death of D.K. Roy could not have been a ground to retain the quarter forcibly. The appellant is at liberty to take appropriate step in accordance with law in that regard.

9. We find no reason to interfere with the orders impugned in this appeal. In such circumstance, we also do not find any reason to issue show cause notice in the limitation matter. The appeal is dismissed.