VISHAKHA BEOHAR Digitally signed by VISHAKHA BEOHAR

CGHC010271082022 2026:CGHC:46373

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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 3644 of 2022

Order Reserved on 07.08.2026

Order Delivered on 03.11.2026

1 - M/s Mahalaxmi Trading Through Its Partner Harish Sadwani, S/o Late Shri Jethanand Sadwani, Aged About 58 Years, Office At Plot No. 5, G.E. Road Khursipar, Near I.T.I. College Bhilai, District Durg, Chhattisgarh

--- **Petitioner(s)**

versus

1 - Union Of India through Secretary Ministry of Steel, Udyog Bhawan, Dr. Moulana Azad Road New Delhi 110011

2 - Steel Authority Of India Limited Registered Office Ispat Bhawan Lodhi Road, New Delhi 110003

3 - Steel Authority Of India Limited Bhilai Steel Plant, Bhilai, District Durg, Chhattisgarh

4 - The Estate Officer Under Public Premises (Eviction Of Unauthorized Occupants) Act, 1971 Hindi Midium School Building Marouda Sector Bhiali Nagar, District Durg, Chhattisgarh

5 - State Of Chhattisgarh Through Collector Durg, District Durg, Chhattisgarh

6 - Superintendent Of Police Durg, District Durg, Chhattisgarh

7 - Municipal Corporation Bhilai Through Its Commissioner Bhilai, District Durg , Chhattisgarh

--- Respondent(s)

WPC No. 3667 of 2022

1 - D.P.Bansal Commercial Company Private Limited (Previously Known As Bansal Commercial Company) Through Its Director Namely Rahul Bansal, S/o Late D.P. Bansal, Aged About 42 Years,office At Plot No. 3, G.E. Road Khursipar, Near I.T.I. College Bhilai, District : Durg, Chhattisgarh

---Petitioner(s)

Versus

1 - Union Of India Through Secretary Ministry Of Steel, Udyog Bhawan Dr. Moulana Azad Road New Delhi 110011

2 - Steel Authority Of India Limited Registered Office Ispat Bhawan Lodhi Road, New Delhi 110003

3 - Steel Authority Of India Limited Bhilai Steel Plant, Bhilai, District : Durg, Chhattisgarh

4 - The Estate Officer Under Public Premises (Eviction Of Unauthorized Occupants) Act, 1971 Hindi Midium School Building Marouda Sector School Building Marouda Sector Bhilai Nagar, District : Durg, Chhattisgarh

5 - State Of Chhattisgarh Through Collector Durg,, District : Durg, Chhattisgarh

6 - Superintendent Of Police Durg, District : Durg, Chhattisgarh

7 - Municipal Corporation Bhilai Through Its Commissioner Bhilai, District : Durg, Chhattisgarh

--- Respondent(s)

WPC No. 3673 of 2022

1 - M/s Lakhmi Chand Agrawal Through Its Partner Naresh Agrawal, S/o Late Shri L.C. Agrawal, Aged About 63 Years, Office At G.E. Road, East Of Iti, Khursipar, Bhilaingar, District- Durg, Chhattisgarh.

---**Petitioner(s)**

Versus

1 - Union Of India Through Secretary Ministry Of Steel, Udyog Bhawan, Dr. Moulana Azad Road New Delhi. 110011

2 - Steel Authority Of India Limited Registered Office Ispat Bhawan Lodhi Road, New Delhi. 110003

3 - Steel Authority Of India Limited Bhilai Steel Plant, Bhilai, District- Durg, Chhattisgarh.

4 - The Estate Officer Under Public Premises (Eviction Of Unauthorized Occupants) Act. 1971 Hindi Midium Bhilai Nagar, District- Durg, Chhattisgarh.

5 - State Of Chhattisgarh Through Collector Durg, District- Durg, Chhattisgarh.

6 - Superintendent Of Police Durg, District- Durg, Chhattisgarh.

7 - Municipal Corporation Bhilai Through Its Commissioner Bhilai, District- Durg, Chhattisgarh.

--- **Respondent(s)**

WPC No. 3676 of 2022

1 - M/s Bansal Brothers Through Its Partner Namely Anoop Bansal, Son Of Late D.R. Bansal, Aged About 55 Years, Office At Plot No.4, G.E. Road Khursipar, Near I.T.I. College Bhilai, District : Durg, Chhattisgarh

---**Petitioner(s)**

Versus

1 - Union Of India Through Secretary Ministry Of Steel, Udyog Bhawan, Dr. Moulana Azad Road New Delhi 110011

2 - Steel Authority Of India Limited Registered Office Ispat Bhawan Lodhi Road, New Delhi 110003.

3 - Steel Authority Of India Limited Bhilai Steel Plant, Bhilai, District : Durg, Chhattisgarh

4 - The Estate Officer Under Public Premises (Evection Of Unauthorized Occupants) Act, 1971 Hindi Midium School Buliding Marouda Sector Bhilai Nagar, District : Durg, Chhattisgarh

5 - State Of Chhattisgarh Through Collector Durg, District : Durg, Chhattisgarh

6 - Superintendent Of Police Durg, District : Durg, Chhattisgarh

7 - Municipal Corporation Bhilai Through Its Commissioner Bhilai, District : Durg, Chhattisgarh

--- Respondent(s)

WPC No. 3681 of 2022

1 - Durga Dharam Kanta Through Its Proprietor Namely Smt. Karuna Bansal, W/o Late D.P. Bansal, Aged 69 Years, Office Ate At G.E. Road Khursipar, Near I.T.I. College Bhilai, District Durg, Chhattisgarh.

---Petitioner(s)

Versus

1 - Union Of India through Secretary Misnistry of Steel Udyog Bhawan Dr. Moulana Azad Road New Delhi 110011

2 - Steel Authority Of India Limited, Registered Office Ispat Bhawan Lodhi Road, New Delhi 110003.

3 - Steel Authority Of India Limited, Bhilai Steel Plant, Bhilai, District Durg, Chhattisgarh.

4 - The Estate Officer Under Public Premises (Eviction Of Unauthoritzed Occupants) Act, 1971 Hindi Midium School Building Marouda Sector Bhiali Nagar, District Durg, Chhattisgarh.

5 - State Of Chhattisgarh, Through Collector Durg, District Durg Chhattisgarh.

6 - Superintendent Of Police, Durg, District Durg, Chhattisgarh.

7 - Municipal Corporation Bhilai, Through Its Commissioner Bhilai, District Durg, Chhattisgarh.

--- Respondent(s)

WPC No. 4555 of 2022

1 - Md. Rafiq S/o Md. Ishaq Aged About 48 Years R/o H. No. 88a, Ruabandha Sector, Bhilai, District : Durg, Chhattisgarh

---Petitioner(s)

Versus

1 - Bhilai Steel Plant, Through Ceo, Bhilai, District : Durg, Chhattisgarh

2 - Steel Authority Of India Limited Through Deputy General Manager (Enforcement), Town Service Department, Bhilai Steel Plant, Steel Authority Of India Ltd. Bhilai, District : Durg, Chhattisgarh

3 - Nagar Nigam Rishali Through Cmo, Nagar Nigam Bhilai, District : Durg, Chhattisgarh

4 - State Of Chhattisgarh Through - Collector Durg, District : Durg, Chhattisgarh

--- Respondent(s)

WPC No. 4587 of 2022

1 - Md. Shakeel Ahemad S/o Md. Ishak Aged About 63 Years R/o Ruabandha Sector, Bhilai, District : Durg, Chhattisgarh

2 - Vandana Puranik D/o Late Sarju Aged About 36 Years R/o Ruabandha Sector, Bhilai, District : Durg, Chhattisgarh

3 - Md. Pyare Sahab @ Pyare S/o Md. Ishak Aged About 56 Years R/o Ruabandha Sector, Bhilai, District : Durg, Chhattisgarh

---Petitioner(s)

Versus

1 - Bhilai Steel Plant Through Ceo, Bhilai, District : Durg, Chhattisgarh

2 - Steel Authority Of India Ltd. Through Deputy General Manager (Enforcement), Town Service Department, Bhilai Steel Plant, Steel Authority Of India Ltd. Bhilai, District : Durg, Chhattisgarh

3 - Nagar Palika Nigam Rishali Through Cmo, Nagar Palika Nigam Bhilai, District : Durg, Chhattisgarh

4 - State Of Chhattisgarh Through Collector Durg, District : Durg, Chhattisgarh

--- Respondent(s)

WPC No. 1882 of 2023

1 - Madan Lal Agarwal Proprietor M/s Agrawal Enterprises Acting Under The Power Of Attorney Holder Ashok Kumar Agrawal S/o Shri Sajjan Kumar Agrawal Aged About 55 Years, R/o Telhanala, Khursipar G.E. Road, Near Iti Bhilai, District : Durg, Chhattisgarh

---Petitioner(s)

Versus

1 - Steel Authority Of India Limited, Bhilai Steel Plant, Bhilai, District Durg (C.G.)

2 - The Estate Officer Under Public Premises (Eviction Of Unauthorized Occupants) Act, 1971, Hindu Medium School Building, Maroda Sector, Bhilai Nagar, District : Durg, Chhattisgarh

--- Respondent(s)

CONT No. 512 of 2022

1 - I.A. Dhas S/o Shri Issac Aged About 65 Years R/o Opposite I T I, Khursipaar, Bhilai, District Durg Chhattisgarh

---Petitioner(s)

Versus

1 - Shri K.K. Yadav Deputy General Manager (Enforcement), T A Building Bhilai Steel Plant, (Town Administration Bulding), Civic Centre Area, Sector- 5, Bhilai, District Durg Chhattisgarh

--- Respondent(s)

WPC No. 1769 of 2022

1 - I.A.Dhas S/o Shri Issac Aged About 65 Years Resident Of Opposite Iti, Khursipaar, Bhilai, District Durg Chhattisgarh.

---Petitioner(s)

Versus

1 - Steel Authority Of India Limited Bhilai Steel Plant, Bhilai, District Durg Chhattisgarh.

2 - The Estate Officer Under Public Premises (Eviction Of Unauthorized Occupants) Act, 1971, Hindu Medium School Building , Maroda Sector , Bhilai Nagar, District Durg.

3 - The Additional Superintendent Of Police (City) Bhilai, District Durg.

... Respondents

(Cause-title taken from the Case Information System)

For respective Petitioners in WPC No. 1769/2022, WPC No. 1882/2023 & CONT No. 512/2022	:	Mr. B.P. Sharma, Mr. Samdarsh Nirankari & Mr. Pushp Kumar Gupta, Advocates
For respective Petitioners in	:	Mr. Rohan Kumbhare,

WPC No. 3644/2022, WPC No. 3667/2022, WPC No. 3673/2022, WPC No. 3676/2022, WPC No. 3681/2022, WPC No. 4555/2022 & WPC No. 4587/2022		Advocate on behalf of Mr. Bhaskar Jha, Advocate
For Respondent – Steel Authority of India	:	Dr. Saurabh Kumar Pande, Advocate
For State	:	Mr. Abhyuday Tripathi, P.L.
For Respondent-Municipal Corporation in WPC No. 3644/2022, WPC No. 3676/2022, WPC No. 4555/2022 & WPC No. 4587/2022	:	Mr. Sandeep Dubey, Advocate
For Respondent-Municipal Corporation in WPC No. 3667/2022 & WPC No. 3681/2022	:	Mr. Pankaj Agrawal, Advocate

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SB-Hon'ble Shri Justice Amitendra Kishore Prasad

CAV Order

1. Since common questions of fact and law are involved in all these writ petitions, they are being heard together and are being decided by this common order.

2. By way of these petitions, the petitioners, who are similarly situated occupants of the premises situated at G.E. Road, Khursipar, Bhilai, have challenged the action of the

respondents seeking to evict them from the respective premises on the basis of the orders passed under the Public Premises (Eviction of Unauthorized Occupants) Act, 1971, contending, inter alia, that they are lawful licensees/occupants, have been in possession for several decades, and have regularly paid the rent in respect of the premises.

3. Since the facts of all the connected writ petitions are substantially similar, arising out of the same background and involving common questions of fact and law, the facts of WPC No. 3644 of 2022 are being taken as the lead case for the purpose of convenience. The facts of the cases are that the respective petitioners are occupants/license holders of plots situated at G.E. Road, Khursipar, Bhilai, in respect of which agreements were executed with Bhilai Steel Plant in the year 1976. The petitioners have been carrying on their respective businesses from the subject premises and claim to have regularly paid the rent/license fee, electricity charges and property tax. In the year 2004, orders of eviction were passed by the Estate Officer under the Public Premises (Eviction of Unauthorized Occupants) Act, 1971. The petitioners contend that, despite their long-standing occupation and payment of dues, the respondents are now

seeking to evict them on the basis of the said orders after a considerable lapse of time. It is further contended that the petitioners are not encroachers but valid license holders and that they are ready and willing to pay the rent and other dues in accordance with the terms of the respective agreements. The petitioners have, therefore, approached this Court challenging the proposed action of eviction and seeking protection against dispossession except in accordance with law.

4. It is also relevant to mention that **CONT No. 512 of 2022** has been filed by the petitioner in WPC No. 1769 of 2022, alleging wilful and deliberate disobedience of the interim order dated 08.04.2022 passed by this Court in the said writ petition, whereby the parties were directed to maintain status quo. It is alleged in the contempt petition that, despite being apprised of the aforesaid order, the authorities of Bhilai Steel Plant proceeded to dispossess the petitioner from the subject plot on 19.04.2022. The petitioner has, therefore, sought initiation of contempt proceedings against the alleged contemnor and has also prayed for restoration of possession of the subject premises, besides other consequential reliefs.

5. Reliefs sought in **WPC No. 3644/2022** is reproduced hereinbelow:-

"10.1 That this Hon'ble court kindly be pleased to restrain the respondents authorities from giving effect to order dated 31.07.2004 passed in Case No. 09/2004 as the same has become un-executable by lapse of time.

10.2 That this Hon'ble court kindly be pleased to direct the respondents from conversion of plots allotted on license to lease basis.

10.3 That this Hon'ble court kindly be pleased to set aside the order dated 31.07.2004 passed in Case No. 09/2004 and also order dated 16.10.2021.

10.4 Any other relief, which this Hon'ble Court may deem fit and proper, may also be passed in favour of the petitioner. An affidavit is filed herewith in support of this petition."

6. Reliefs sought in **WPC No. 1769/2022** is reproduced hereinbelow:-

"10.1 A writ and/ or an order in the nature of appropriate writ do issue calling for records from the respondents pertaining to petitioners' case for its perusal, if deem fit in the facts and circumstances of case.

10.2 A writ and/or an order in the nature of writ of appropriate nature do issue restrain gin the respondent authorities from giving effect to void order dated 20.2.1981 passed in Case No.75/1980 or the order who has lived his life and has become un-executable by lapse of time and also Notice 17.3.2022 and 29.3.2022 (Annexure

P-1 & P-2) being illegal, arbitrary and not sustainable in law and in effect protect settled possession of petitioner over the property in fact in the facts and circumstances of case.

10.3 Cost of the proceedings.

10.4 Any other writs/directions that may be deemed fit and just in the facts & circumstances of case."

7. Reliefs sought in **WPC No. 3667/2022** is reproduced hereinbelow:-

"10.1 That this Hon'ble court kindly be pleased to restrain the respondents authorities from giving effect to order dated 03.09.2004 passed in Case No. 11/2004 as the same has become un-executable by lapse of time.

10.2 That this Hon'ble court kindly be pleased to direct the respondents from conversion of plots allotted on license to lease basis.

10.3 That this Hon'ble court kindly be pleased to set aside the order dated 03.09.2004 passed in Case No. 11/2004.

10.4 Any other relief, which this Hon'ble Court may deem fit and proper, may also be passed in favour of the petitioner."

8. Reliefs sought in **WPC No. 3673/2022** is reproduced hereinbelow:-

"10.1 That this Hon'ble court kindly be pleased to restrain the respondents authorities from giving effect to order dated 14.08.2010 passed in Case

No. 13/2004 as the same has become un-executable by lapse of time.

10.2 That this Hon'ble court kindly be pleased to direct the respondents from conversion of plots allotted on license to lease basis.

10.3 That this Hon'ble court kindly be pleased to set aside the order dated 14.08.2010 passed in Case No. 13/2004.

10.4 Any other relief, which this Hon'ble Court may deem fit and proper, may also be passed in favour of the petitioner. An affidavit is filed herewith in support of this petition."

9. Reliefs sought in **WPC No. 3676/2022** is reproduced hereinbelow:-

"10.1 That this Hon'ble court kindly be pleased to restrain the respondents authorities from giving effect to order dated 03.09.2004 passed in Case No. 10/2004 as the same has become un-executable by lapse of time.

10.2 That this Hon'ble court kindly be pleased to direct the respondents from conversion of plots allotted on license to lease basis.

10.3 That this Hon'ble court kindly be pleased to set aside the order dated 03.09.2004 passed in Case No. 10/2004.

10.4 Any other relief, which this Hon'ble Court may deem fit and proper, may also be passed in favour of the petitioner. An affidavit is filed herewith in support of this petition."

10. Reliefs sought in **WPC No. 3681/2022** is reproduced hereinbelow:-

> *"10.1 That this Hon'ble court kindly be pleased to restrain the respondents authorities from giving effect to order dated 23.10.2010 passed in Case No. 67/2004 as the same has become un-executable by lapse of time.*
>
> *10.2 That this Hon'ble court kindly be pleased to direct the respondents from conversion of plots allotted on license to lease basis.*
>
> *10.3 That this Hon'ble court kindly be pleased to set aside the order dated 23.10.2010 passed in Case No. 67/2004.*
>
> *10.4 Any other relief, which this Hon'ble Court may deem fit and proper, may also be passed in favour of the petitioner."*

11. Reliefs sought in **WPC No. 4555/2022** is reproduced hereinbelow:-

> *"10.1 That, this Hon'ble Court may kindly be pleased to allow the petition and call for the record of the case, and set aside the order of 08.04.2022 of Nagar Nigam Rishali and removal notice of Estate Officer Bhilai Steel Plant of 07.10.2022, in the interest of justice.*
>
> *10.2 That any other relief, which this Hon'ble Court may deem fit and proper together with cost of the petition."*

12. Reliefs sought in **WPC No. 4587/2022** is reproduced hereinbelow:-

"10.1 That, this Hon'ble Court may kindly be pleased to allow the petition and call for the record of the case, and set aside the order of 08.04.2022 of Nagar Nigam Rishali and removal notice of Estate Officer Bhilai Steel Plant of 07.10.2022, in the interest of justice.

10.2 That any other relief, which this Hon'ble Court may deem fit and proper together with cost of the petition."

13. Reliefs sought in **WPC No. 1882/2023** is reproduced hereinbelow:-

"10.1 A writ and/ or an order in the nature of appropriate writ do issue calling the records from the respondent authorities concerned pertaining to case of the petitioners for perusal of this Hon'ble Court, if thinks fit in the facts & circumstances of case.

10.2 A writ and/or an order in the nature of appropriate writ do issue restraining the respondent authorities from giving effect to void order dated 11.08.2004 passed in Case No. 15/2002 or the order which has lived its life and has become un-executable by lapse of time and in effect to protect the settled possession of petitioner over the property in the facts and circumstances of the case.

10.3 Cost of the proceedings.

10.4 Any other writs and directions that may be deemed fit and just in the facts & circumstances of case."

14. Learned counsel for the petitioners would submit that the petitioners are similarly situated occupants/license holders of the subject premises and have been in possession thereof for several decades pursuant to the respective agreements executed with the Bhilai Steel Plant. It is submitted that there is a strong apprehension that the respondents may proceed to evict the petitioners without following the due process of law, particularly when the premises of a similarly situated concern, namely M/s Mahalaxmi Trading, situated in close proximity to the petitioners' premises, have already been sealed by the respondents. Learned counsel would further submit that in the case of I.A. Dhas vs. Steel Authority of India, this Court, vide order dated 08.04.2022 passed in WPC No.1769 of 2022, had granted interim protection to a similarly situated occupant and the said interim protection was thereafter continued. It is contended that the petitioners are also entitled to similar protection, particularly in view of the fact that their cases arise from the same set of circumstances. It is further submitted that the action proposed by the respondents is otherwise not permissible in law, as the orders of eviction relied upon by the respondents had been passed several years ago and have not been acted

upon within a reasonable period. Learned counsel, therefore, submits that the respondents cannot seek to revive and execute such stale orders after an inordinate lapse of time, particularly when the petitioners have remained in possession and have continued to discharge their obligations by making payment of rent/license fee and other charges.

15. Learned counsel would also submit that the subject land was allotted by the Central Government to the Bhilai Steel Plant for the purposes connected with its activities and, therefore, eviction of the petitioners could be justified only if the subject premises were actually required for expansion of the plant or for any other legitimate purpose of the Bhilai Steel Plant. It is submitted that the subject plots are not presently required for such purpose and, therefore, there is no justification for disturbing the long-standing possession of the petitioners. It is further contended that the petitioners are not encroachers, but are lawful occupants/licensees who have remained in possession of the respective premises for several decades and have regularly paid the applicable rent, license fee, electricity charges and property tax. Therefore, according to learned counsel, the respondents' attempt to dispossess the petitioners, particularly after such a long period, is arbitrary and illegal.

16. Learned counsel would lastly submit that the action of the respondents, if permitted to continue, would cause serious prejudice to the petitioners and would amount to dispossession otherwise than in accordance with law. It is, therefore, prayed that the respondents be restrained from taking coercive steps against the petitioners and from giving effect to the old orders of eviction, and that appropriate protection be granted to the petitioners in the facts and circumstances of the case.

17. Learned counsel appearing for the petitioner in CONT No. 512/2022 submit that the present contempt petition alleges wilful and deliberate disobedience of the interim order dated 08.04.2022 passed by this Court in WPC No. 1769 of 2022, whereby the parties were directed to maintain status quo in respect of the subject premises. Despite having knowledge of the said order, the respondents allegedly dispossessed the applicant from the subject plot on 19.04.2022. It is submitted that the petitioner was in settled possession and that his dispossession during the subsistence of the status quo order amounts to clear and wilful disobedience thereof. Subsequent proceedings or orders passed by the Estate Officer cannot justify an action contrary to the order of this Court. Learned counsel would

further submit that the respondents were bound to maintain the existing position until the order dated 08.04.2022 was modified, vacated or otherwise ceased to operate. Their conduct, therefore, warrants appropriate action under the contempt jurisdiction of this Court.

18. Learned counsel appearing for the respondent–Steel Authority of India Limited would submit that the present writ petition is not maintainable, as the subject premises form part of the public premises of Bhilai Steel Plant at Khursipar, Bhilai, and the petitioner has no subsisting or legally enforceable right to remain in occupation thereof. It is submitted that the original allotment was made in favour of an individual/proprietor and not in favour of the petitioner or the partnership firm on whose behalf the present petition has been instituted. In the case of M/s Mahalaxmi Trading, the premises were temporarily allotted to Shri Jethanand Sadhwani, Proprietor of M/s Mahalaxmi Trading, pursuant to allotment order dated 20.07.1976, followed by an agreement dated 23.07.1979. The said agreement specifically prohibited subletting, creation of partnership or transfer of the right of occupation. Similar restrictions governed the other allotments relied upon by the occupants. Therefore, the petitioner cannot claim an independent right of occupation on the

strength of an allotment made in favour of another person. It is further submitted that the unauthorized occupation and encroachment over the public premises were noticed by the respondent and several notices were issued from time to time requiring removal of the encroachment and vacation of the premises. In respect of the premises concerning M/s Mahalaxmi Trading, notices including the notice dated 22/24.02.2001 were issued and, upon failure to comply, the allotment/licence was terminated and proceedings under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (for short, 'the PP Act') were instituted. Likewise, in Case No.10/2004 concerning M/s Bansal Brothers, proceedings were initiated before the Estate Officer on 12.07.2004 for eviction from the unauthorized occupation of public premises and for recovery of rent/damages. Notice under Sections 4(1) and 7(3) of the PP Act was issued and served. The proceedings thereafter continued; although the matter proceeded ex parte at one stage, applications were subsequently filed on behalf of the occupant, evidence was adduced and the matter was duly considered by the Estate Officer.

19. Learned counsel would submit that the Estate Officer, upon consideration of the material and evidence available on

record, recorded a categorical finding that the land was the public premises of SAIL/BSP and that the occupants were in unauthorized occupation. The Estate Officer also recorded findings regarding violation of the temporary licence, additional encroachment, termination of the licence and liability towards rent/damages, and thereafter passed orders under Sections 5(1), 7(1) and 7(2) of the PP Act. In Case No.10/2004, the order dated 26.08.2004 was followed by the eviction order dated 03.09.2004. In another proceeding, namely Case No.09/2004, the Estate Officer passed the eviction order dated 31.07.2004 after issuance of notice under Sections 4(1) and 7(3), granting opportunity to the occupant and also determining damages and future damages until vacation of the premises. In respect of the premises allotted to Smt. Karuna Bansal, proceedings were also initiated after issuance of notice under Sections 4(1) and 7(3), culminating in the eviction order dated 23.10.2010 and consequential order under Sections 5(1) and 7(2) dated 20.01.2011. It is submitted that none of the aforesaid eviction orders was challenged by the concerned occupants before the competent appellate forum. The statutory remedy under Section 9 of the PP Act was therefore not availed, and the orders attained finality. The subsequent execution

proceedings were thus not based upon any fresh or unilateral decision of the respondent to dispossess the petitioner, but were merely steps taken to implement pre-existing orders passed by the competent Estate Officer under the PP Act. Consequently, the petitioner cannot, by invoking the extraordinary jurisdiction of this Court, indirectly seek restoration of possession or reopening of an eviction order which was never challenged in the manner provided by law.

20. Learned counsel would further submit that the mere lapse of time between the passing of the eviction orders and their physical execution does not establish abandonment of the statutory proceedings. The record demonstrates continuous efforts by the respondent to secure possession. Various execution authorizations were issued from time to time, including those dated 24.08.2004, 03.04.2006, 25.04.2007, 11.08.2010, 05.06.2014, 12.11.2020 and 16.10.2021, and the proceedings before the Estate Officer continued as the premises had not been vacated. The change of enforcement officers on account of transfers or administrative reasons cannot be construed as abandonment of the eviction order. Ultimately, on 24.08.2022, Shri K.K. Yadav, Deputy General Manager (Enforcement), was authorized as the execution officer, and on 06.09.2022 he

reported that the eviction action had been scheduled for 09.09.2022 at 7:00 a.m., with requisition for the Executive Magistrate and police assistance.

21. It is submitted that pursuant to the aforesaid statutory orders and execution proceedings, actual possession of the public premises was taken on 09.09.2022 in the presence of the Executive Magistrate/Tahsildar and police authorities and the premises were duly sealed. The execution report and Panchnama dated 09.09.2022, along with the keys and other execution material, were submitted by the authorized officer. In some of the connected proceedings, physical execution was recorded on 17.08.2022 and the premises were similarly sealed. Thus, the respondent's case is that, in all such matters, the physical taking over of possession was the culmination of the statutory eviction proceedings and not a fresh or forcible dispossession undertaken independently of the PP Act. Learned counsel would submit that this factual aspect assumes significance in view of the interim order dated 16.09.2022 passed by this Court directing maintenance of status quo and restraining the respondent authorities from preventing the petitioner from entering the premises without following due process of law. It is contended that, by the date of the said interim order,

possession had already been taken and the premises had been sealed pursuant to the Estate Officer's eviction order. Therefore, the factual premise on which the interim order was sought, namely that the petitioner continued to be in possession, was incorrect. The contemporaneous execution report and Panchnama demonstrate that possession had already been taken before the interim order. The respondent therefore submits that the material fact regarding prior execution and sealing ought to have been brought to the notice of this Court.

22. It is further submitted that the subsequent conduct of the petitioner also demonstrates that the premises had already been sealed. After the execution, the Estate Officer, on 12.09.2022, requested the police and district administration to provide security and patrolling at the sealed premises. Thereafter, by Letter No.500 dated 16.09.2022, the Estate Officer specifically warned the concerned authorities regarding the possibility of the seal being broken and unauthorized re-entry into the premises. The said communication was also sent to the petitioner by registered post and affixed at the premises. On 17.09.2022, an application was submitted before the Estate Officer seeking removal of the seal on the strength of the interim order. The

respondent's case is that thereafter the sealed premises were broken open and unauthorized re-entry was made, resulting in the Estate Officer submitting a complaint dated 19.09.2022 seeking registration of an offence under Section 11 of the PP Act. Learned counsel submits that the said subsequent conduct cannot confer any right of possession upon the petitioner. Any criminal liability arising from such conduct would, however, be governed by the appropriate criminal/statutory proceedings. Learned counsel would further submit that the petitioner cannot derive any lawful right from the alleged payment of rent, electricity charges, municipal dues or other charges. Such payments, even if made, do not constitute an allotment, lease or statutory authority to remain in possession of public premises, particularly when the competent Estate Officer has already adjudicated the occupation to be unauthorized and has passed an eviction order. Likewise, any alleged attempt to convert the licence into a lease in the year 1989 or reliance upon correspondence issued by the Town Services Department cannot override the concluded statutory adjudication or revive a right of occupation which stood terminated.

23. It is also submitted that the petitioner has no locus to claim the benefit of an allotment made in favour of another person. In particular, where the temporary licence/allotment stood in the name of a particular proprietor, the petitioner cannot assert an independent right of occupation contrary to the express conditions of the licence prohibiting transfer, subletting or creation of partnership. The subsequent application for removal of the seal made by a person other than the original allottee also does not create any lawful right in his favour. Learned counsel would further submit that the respondent's claim for rent/damages has also been determined in the statutory proceedings. The Estate Officer had directed payment of damages and future damages until vacation of the premises. As on August, 2022, substantial amounts, including approximately Rs.18,45,806.45/- / Rs.18,89,797/-, as applicable to the respective premises and as reflected in the departmental record, remained recoverable towards unauthorized occupation. The petitioner cannot, therefore, rely upon alleged payments of rent or electricity charges while simultaneously disputing the liability determined under the PP Act.

24. It is lastly submitted that the relief sought in the writ petition, if granted, would effectively result in restoration of

possession of public premises to an occupant whose occupation has already been adjudicated to be unauthorized and from whom possession has been taken pursuant to a statutory eviction order. Such a course would amount to indirectly nullifying or reversing the final order of the Estate Officer without the petitioner having successfully challenged that order in the statutory appellate proceedings. The petitioner has neither established any subsisting lawful right to possession nor demonstrated any exceptional ground warranting interference under Article 226 of the Constitution of India. In these circumstances, learned counsel submits that the writ petition deserves to be dismissed. It is further prayed that the petitioner be directed to hand over/continue to remain out of possession of the public premises and to pay the damages and other dues determined in accordance with law, and that no equitable relief be granted in favour of a person whose unauthorized occupation has already been adjudicated by the competent authority.

25. Learned counsels appearing for the respondent–Municipal Corporation would submit that the Corporation is only a formal party to the present proceedings, as the impugned action and order relate to the Bhilai Steel Plant and the Estate Officer. No relief has been claimed against the

answering respondent. It is submitted that the petitioner's assertion regarding payment of electricity charges to the Municipal Corporation is incorrect, as the documents filed by the petitioner themselves show payment to the Chhattisgarh State Power Distribution Company Limited. In any event, payment of municipal dues or taxes, even if made, would not confer any title or legal right over the premises. Learned counsel would further submit that the issues raised in the petition primarily concern the action of the respondent authorities under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, and the answering respondent has no role in the same. Therefore, the petition deserves to be dismissed against the Municipal Corporation.

26. Learned State counsel would submit that the dispute raised in the present writ petitions primarily concerns the petitioners and the Steel Authority of India Limited/Bhilai Steel Plant and its Estate Officer. The respondent-State has no direct role in the allotment of the subject premises or in the proceedings initiated under the Public Premises (Eviction of Unauthorized Occupants) Act, 1971. Learned State counsel would further submit that the action complained of is required to be considered in the light of the statutory proceedings and orders passed by the competent authority

under the aforesaid Act. The respondent-State would abide by any order that may be passed by this Court in the present batch of petitions.

27. Learned counsel appearing for the respondents/non-applicants in Contempt petition would submit that the contempt petition is devoid of merit, as no wilful or deliberate disobedience of the interim order dated 08.04.2022 is made out. The premises in question are public premises of the Steel Authority of India Limited and the eviction was being executed pursuant to the subsisting order of the Estate Officer dated 20.02.1981, in respect of which repeated steps for execution had been taken. It is submitted that the eviction and sealing of the premises were carried out on 19.04.2022 in the presence of the police and Tahsildar, Durg. The respondents specifically deny having any prior knowledge or communication of the interim order dated 08.04.2022 at the time of execution. The petitioner's application was submitted before the Estate Officer only at about 5:00 p.m. on 19.04.2022, after the premises had already been sealed, and the respondents received the same only on 20.04.2022. Learned counsel would further submit that immediately upon the order being brought to their notice, the Estate Officer stayed further proceedings by order dated 25.04.2022. The

subsequent breaking of the seal and re-entry into the premises by the petitioner resulted in lodging of an FIR dated 06.05.2022 under Section 11 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971. It is, therefore, submitted that the execution was undertaken bona fide pursuant to a pre-existing statutory order and not with any intention to disobey the order of this Court. In the absence of knowledge and conscious or deliberate violation, the essential ingredients of contempt are not satisfied. The contempt petition is, therefore, liable to be dismissed.

28. I have heard learned counsel appearing for the respective parties and have perused the material available on record with the bunch of petitions.

29. The principal question which arises for consideration in these writ petitions is whether the petitioners, who claim to have acquired possession of the subject premises from the original lessee/licensee, can claim a lawful right to continue in occupation of the public premises belonging to the Bhilai Steel Plant, notwithstanding the conditions contained in the original lease/agreement prohibiting transfer, subletting or creation of partnership in respect of the allotted premises.

30. From the material available on record, it appears that the subject premises were originally allotted/leased by the

Bhilai Steel Plant in favour of the original allottee, namely, Shri Ved Prakash Chopra. The petitioners claim to have subsequently obtained possession from the said original allottee upon payment of consideration and have raised permanent constructions over the subject premises. However, the petitioners have not been able to demonstrate that any independent right or title in their favour was created by the Bhilai Steel Plant. On the contrary, the very basis of their possession is the alleged transaction entered into with the original allottee.

31. The contention of the petitioners that the Estate Officer had no jurisdiction or authority to initiate proceedings for their eviction under the Public Premises (Eviction of Unauthorized Occupants) Act, 1971, cannot be accepted. Section 2(e) of the Act defines “public premises”, while Section 2(g) defines “unauthorised occupation”. In the facts of the present case, the petitioners cannot claim lawful authority to remain in possession merely on the basis of the transaction entered into with the original lessee, particularly when the original lease/agreement itself prohibited transfer, subletting or creation of partnership in respect of the premises.

32. In ***Liife Insurance Corporation of India and Another v. VITA, (2026) 3 SCC 427***, the Hon'ble Supreme Court has held as under:-

> ***"78.1.*** *Both categories of statutes, namely, the PP Act, 1971 on one hand, and the Bombay Rent Control Act, 1947, the Maharashtra Rent Control Act, 1999, the Delhi Rent Control Act, 1958 and similar Rent Control legislations, on the other hand, are special laws. Therefore, in order to determine as to which Act will apply in case of conflict, reference has to be made to the purpose and policy underlying the two enactments and the clear intendment conveyed by the language of the relevant provisions therein. Keeping in view the object and purpose underlying both the enactments, that is, the PP Act, 1971 and the Rent Control Acts, the provisions of the PP Act, 1971 shall override the provisions in the Rent Control legislations.*
>
> ***78.2.*** *The PP Act, 1971 and the State Rent Control Acts are special enactments in themselves. Rule generalia specialibus non derogant will not apply. Having regard to the purpose, policy and legislative intent of the PP Act, 1971, the same would prevail over the State Rent Control Acts in respect of eviction of "unauthorised occupants" of "public premises" as defined in Section 2(g) of the Act.*

78.3. *The provisions of the PP Act, 1971, to the extent they cover the premises falling within the ambit of the Rent Control Act, override the provisions of the Rent Control Act.*

78.4. *A person in unauthorised occupation of "Public Premises" under Section 2(e) of the Act cannot invoke the protection of the Rent Control Act.*

78.5. *In cases where the tenanted premises are claimed to be governed by the State Rent Control Act and the same have also become "Public Premises" within the meaning in Section 2(e) of the PP Act, 1971, for their unauthorised occupation, the PP Act, 1971 will have application.*

78.6. *The statutory machinery envisaged under the PP Act, 1971, could be activated for recovery of possession of public premises by any government or public entity mentioned in the definition.*

78.7. *The PP Act, 1971 will apply to the tenancies which may have been created and in existence either before coming into force of the Act or which may have been created subsequent to coming into the force of the Act.*

78.8. *Two conditions must be satisfied for the applicability as above. Firstly, the tenanted premises must fall within the purview of definition under Section 2(e) of the PP Act,*

1971. Secondly, the premises should have been in unauthorised occupation.

78.9. *Termination of tenancy of "Public Premises" by issuing notice under Section 106 of the Transfer of Property Act, 1882 is one of the modes which would render the occupation of the tenant unauthorised, post the date specified in such notice. This would hold true in respect of tenancies created before or after coming into force of the PP Act, 1971.*

78.10. *Invocation and applicability of the provisions of the PP Act, 1971 is not dependent upon the aspect of possession. What is material is the occupation of the premises which has become unauthorised occupation. The occupation is a continuous concept.*

78.11. *The propositions enunciated in Suhas H. Pophale [Suhas H. Pophale v. Oriental Insurance Co. Ltd., (2014) 4 SCC 657 : (2014) 2 SCC (Civ) 685] , as noticed in para 19 of this judgment, do not, in our considered view, state the correct position of law. The observations made therein, with great respect, are not in consonance with the settled legal principles and runs contrary to the principle of stare decisis and stand overruled to that extent."*

33. Clause 22 of the agreement specifically prohibits subletting or the creation of a partnership in respect of the allotted premises. Therefore, the original allottee could not

validly transfer the possessory rights in favour of the petitioners in contravention of the terms of the agreement. A person deriving possession through a transaction prohibited by the original allotment agreement cannot claim a better right against the owner merely on the basis of such transaction. In ***Board of Trustees of the Port of Calcutta v. Kalipada Bhakat and others, (2014) 10 SCC 573***, the Supreme Court considered the rights of persons claiming through an original occupant in proceedings under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971. Accordingly, in the absence of any independent allotment or authorisation by the Bhilai Steel Plant, the petitioners cannot claim that their occupation has become authorised merely because they paid consideration to the original allottee.

34. Once the occupation of the petitioners is found to be unauthorised within the meaning of Section 2(g) of the Act of 1971, the initiation of proceedings under Section 5 of the Act cannot be said to be without jurisdiction merely because the petitioners claim to have entered into possession through the original allottee. In ***Life Insurance Corporation of India Ltd. (Supra),*** the Supreme Court considered the applicability of the Public Premises Act and its overriding effect over conflicting provisions of State rent-control legislation. The

statutory scheme of the Act provides a mechanism for eviction of unauthorised occupants from public premises. The competent authority is, therefore, entitled to proceed in accordance with the procedure prescribed by law, subject to compliance with the applicable statutory requirements.

35. The contention that the petitioners have raised permanent constructions over the subject premises, obtained electricity connections and remained in occupation for several decades does not, by itself, create any title or legally enforceable right against the Bhilai Steel Plant. Such circumstances may establish the fact or duration of possession, but they cannot substitute for lawful authority to occupy public premises. The principles governing unauthorised occupation must be applied in light of the statutory scheme of the Act of 1971, as explained in ***Board of Trustees of the Port of Calcutta (Supra),*** and ***Life Insurance Corporation of India Ltd.(Supra)***. Consequently, the petitioners cannot claim a right to continue in occupation merely on the basis of long possession, expenditure incurred on construction or payment of electricity charges.

36. The petitioners have also sought to contend that the eviction orders passed by the Estate Officer several years ago have become incapable of execution on account of lapse

of time. The said contention also cannot be accepted. An unauthorised occupant cannot seek to acquire a right in public premises merely by relying upon the passage of time. Mere delay in execution of an order of eviction does not create a vested right in favour of an unauthorised occupant, nor can such occupant claim protection on the basis of adverse possession against the true owner of the premises.

37. The contention that the proceedings under the Act of 1971 cannot be pursued on account of the lapse of time must be examined in accordance with the applicable statutory provisions and the nature of the orders passed by the competent authority. The petitioners cannot claim that the mere passage of time has conferred an independent right to continue in occupation of the premises. In ***Anant Raj Agencies Pvt. Ltd. v. Delhi Development Authority, 2012 SCC OnLine Del 6406***, the Delhi High Court held, in the context of proceedings under the Act of 1971, that a noticee must raise the available objections before the Estate Officer rather than seek to restrain the statutory proceedings through a civil suit. The said decision supports the proposition that objections concerning the legality of the proceedings must be pursued through the remedies available under the statutory scheme. The petitioners have, therefore, to establish a

legally sustainable ground for interference; the mere passage of time, without more, does not establish such a ground.

38. The contention of the petitioners that the orders passed by the Estate Officer have attained finality and, therefore, cannot be acted upon after such a long period also does not persuade this Court. The mere lapse of time does not have the effect of conferring legality upon an otherwise unauthorised occupation. The petitioners have not demonstrated the existence of any subsequent order of the competent authority recognising their occupation or creating an independent leasehold or ownership right in their favour.

39. The submission that the writ petitions are not maintainable in view of the statutory remedy provided under the Public Premises (Eviction of Unauthorized Occupants) Act, 1971, also does not merit acceptance in the absolute terms in which it has been advanced. The jurisdiction of this Court under Article 226 of the Constitution is not completely ousted merely because an alternative statutory remedy is available. The power of judicial review under Article 226 can be exercised in appropriate cases. However, the existence of such jurisdiction does not mean that this Court would interfere merely because another view is possible. In the present case, no patent lack of jurisdiction or manifest

illegality has been demonstrated in the action taken by the Estate Officer so as to warrant interference in exercise of writ jurisdiction.

40. The further objection regarding the impleadment of the Estate Officer also deserves rejection. Merely arraying the officer who passed the impugned order as a respondent cannot, by itself, render the writ petition non-maintainable. The Court is required to examine the substance of the controversy and the relief claimed rather than adopt a hyper-technical approach with regard to the array of parties. No prejudice has been demonstrated to have been caused to the concerned officer merely because he has been impleaded in the proceedings.

41. On an overall consideration of the material on record, the crux of the dispute is clear. The subject premises belong to the Bhilai Steel Plant and were originally allotted/leased to another person. The petitioners claim their possession through the original allottee, despite the express prohibition against transfer, subletting or creation of partnership. Such a transaction, being contrary to the terms of the original agreement, could not confer any independent right or title upon the petitioners. Their long-standing possession, construction over the premises, payment of electricity

charges or other dues cannot alter the legal character of their occupation.

42. The petitioners, therefore, cannot claim protection of their possession merely on the ground that they have remained in occupation for a long period. The Bhilai Steel Plant, being the owner of the public premises, is entitled to recover possession from an unauthorised occupant in accordance with the procedure prescribed under the Public Premises (Eviction of Unauthorized Occupants) Act, 1971. The action of the respondents in initiating/proceeding with the eviction of the petitioners, therefore, cannot be said to be without authority of law.

43. Consequently, this Court finds no ground to interfere with the impugned proceedings/orders challenged in these writ petitions. The petitioners have failed to establish any lawful right to continue in occupation of the subject premises or any jurisdictional error warranting interference under Article 226 of the Constitution.

44. Coming to **CONT No. 512 of 2022**, the same has been preferred by the petitioner in WPC No. 1769 of 2022 alleging wilful and deliberate disobedience of the interim order dated 08.04.2022 passed in the said writ petition, whereby the parties were directed to maintain status quo in respect of the

subject premises. The allegation of the petitioner is that, despite the subsistence of the said order and knowledge thereof, the respondent proceeded to dispossess him from the subject premises on 19.04.2022.

45. In order to constitute civil contempt, it is necessary to establish a wilful disobedience of the order of the Court. The material placed on record, however, does not persuade this Court to hold that the alleged contemnor has deliberately and wilfully violated the order dated 08.04.2022. As noticed hereinabove, the occupation claimed by the petitioner was not founded upon any independent or lawful title against the Bhilai Steel Plant. The proceedings for eviction had already been initiated and the rights of the parties were governed by the orders passed by the competent authority under the Public Premises (Eviction of Unauthorized Occupants) Act, 1971.

46. It is also relevant that the very basis of the petitioner's claim of protection of possession has not been found sustainable in the connected writ petition. The petitioner has failed to establish any lawful right to continue in occupation of the public premises. Mere fact of possession, therefore, cannot be treated as sufficient to establish that the alleged

action of the respondent constituted a deliberate violation of the order of this Court.

47. The contempt jurisdiction is not intended to be invoked for adjudicating disputed questions of title or for conferring upon a person a substantive right to remain in possession of public premises. The question whether the petitioner was entitled to continue in possession has already been considered in the connected writ proceedings, and this Court has found that the petitioner's occupation was unauthorised and that the proceedings for eviction under the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 were not without jurisdiction.

48. In the circumstances of the present case, the essential ingredient of wilful and deliberate disobedience of the order dated 08.04.2022 is not established. The allegation made in the contempt petition, therefore, does not warrant initiation of contempt action against the respondent. Consequently, CONT No. 512 of 2022 also deserves to be **dismissed**.

49. For the foregoing reasons, this Court finds no ground to interfere with the impugned proceedings/orders challenged in the connected writ petitions. The petitioners have failed to establish any lawful right to continue in occupation of the

subject premises or any jurisdictional error warranting interference under Article 226 of the Constitution.

50. Accordingly, WPC No. 3644 of 2022, WPC No. 3667 of 2022, WPC No. 3673 of 2022, WPC No. 3676 of 2022, WPC No. 3681 of 2022, WPC No. 4555 of 2022, WPC No. 4587 of 2022, WPC No. 1882 of 2023 and WPC No. 1769 of 2022 are **dismissed.**

51. Consequently, CONT No. 512 of 2022 is also **dismissed.**

52. No order as to costs.

Sd/-

(Amitendra Kishore Prasad)
Judge

Vishakha

HEAD-NOTE

“Petitioners claiming possession through the original allottee in violation of the express prohibition on transfer or subletting acquire no lawful right to occupy public premises. Long-standing possession, construction and payment of dues do not confer any enforceable right.”