

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.4984/2015

RAIGARH CLUB, RAIGARH & ANR. Appellant(s)
VERSUS
STATE OF CHHATTISGARH & ORS. Respondent(s)

O R D E R

By judgment dated 11.09.2014, a Division Bench of the High Court of Chhattisgarh at Bilaspur dismissed Writ Appeal No.1186/2012 filed by the appellants and confirmed the order dated 01.11.2012, passed by a learned Judge, dismissing Writ Petition [C] No.785/2012 filed by them.

Challenge in the said Writ Petition was to the communication dated 01.12.2011 of the Collector-cum-District Magistrate, Raigarh, whereby the Executive Engineer, Public Works Department, was directed to take over possession of Raigarh Club.

Perusal of the material placed on record reflects that the appellants, viz., Raigarh Club, Raigarh, and Anil Agarwal, its Secretary, produced no document or any other basis or foundation to support the right claimed by them to remain in possession of the subject land wherein the club was situated.

Emphasis is now sought to be placed upon an internal communication dated 09.11.2011 addressed by the Executive Engineer, Public Works Department, Raigarh, to the Collector, Raigarh, wherein it was stated that the appellant-Club had paid rent of ₹1 per month till the year 2030, but it was required to pay ₹992 per month from July, 1979 to March, 2011, aggregating to ₹3,77,571/-. This letter is relied upon to buttress the argument that the appellant-Club was a tenant. However, it is relevant to note that the said letter itself stated that Raigarh Club had been 'licensed' to remain in possession of the subject land. Therefore, the mere use of the word 'rent' in the said letter would not be sufficient to infer that the appellant-Club was a lessee in possession of the subject premises, whereby it could claim any rights under the Transfer of Property Act, 1882, and more particularly, the protection of Section 106 thereof.

The deed of licence, if any, was never produced before the Court, whereby it could be ascertained as to what was the length of the notice period to which the licensee thereunder was entitled to before being evicted.

In the absence of such documentary proof, the appellants had no legs to stand upon and failed to put forth a tenable case in the eyes of law.

In such circumstances, we find no error having been committed either by the learned Judge or by the Division Bench of the High Court of Chhattisgarh in disallowing the claim of the appellants.

We, therefore, find no merit in this appeal. The same is accordingly dismissed. No order as to costs.

..... J.
[SANJAY KUMAR]

..... J.
[AUGUSTINE GEORGE MASIH]

NEW DELHI;
JUNE 12, 2024.

ITEM NO.108

COURT NO.13

SECTION IV-C

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 4984/2015

RAIGARH CLUB, RAIGARH & ANR.

Appellant(s)

VERSUS

STATE OF CHHATTISGARH & ORS.

Respondent(s)

IA No. 140353/2019 - EXEMPTION FROM FILING O.T.

IA No. 140350/2019 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES

Date : 12-06-2024 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KUMAR
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
[VACATION BENCH]

For Appellant(s) Mr. Prafulla Kumar Behera, Adv.
Mr. S. S. Nehra, AOR
Ms. Sundri, Adv.
Mr. Vikrant Nehra, Adv.
Mr. Arun Dagar, Adv.
Dr. Shilpa Bagade, Adv.
Mr. Sudhir Agarwal, Adv.

For Respondent(s) Mr. Vinayak Sharma, Standing Counsel, Adv.
Mr. Ravinder Kumar Yadav, AOR
Ms. Drishti Rawal, Adv.
Mr. Karan Khetani, Adv.
Ms. Ananya Sikri, Adv.

UPON hearing the counsel, the Court made the following
O R D E R

The appeal is dismissed in terms of the signed order.

Pending applications shall also stand dismissed.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(RAM SUBHAG SINGH)
COURT MASTER (NSH)

[Signed order is placed on the file]