

**Court No. - 34**

**Case :-** WRIT - C No. - 20452 of 2020

**Petitioner :-** Rajendra Prasad Singh

**Respondent :-** State Of U.P. And 3 Others

**Counsel for Petitioner :-** Devendra Gupta, Amrendra Nath Singh (Senior Adv.)

**Counsel for Respondent :-** C.S.C.

**Hon'ble Mrs. Sunita Agarwal, J.**

**Hon'ble Jayant Banerji, J.**

The order dated 26.11.2020 passed by the Principal, Moti Lal Nehru Medical College, Prayagraj (In short 'Medical College') is subject matter of challenge in two writ petitions filed on 28.11.2020, which have been placed before us under an order dated 28.11.2020 passed by Hon'ble The Senior Judge.

We have heard Shri Amrendra Nath Singh, learned Senior Advocate assisted by Shri Devendra Gupta, learned counsel for the petitioner in Writ Petition No.20452 of 2020. Supplementary affidavit filed today is taken on record. Ms. Shreya Gupta, learned counsel for the petitioners in Writ Petition No.20453 of 2020 has also made her submissions.

The main ground of challenge to the order dated 26.11.2020 is that no prior notice was given to the petitioners before passing the order impugned, which has been served on the petitioners for the first time on 26.11.2020, itself. In the supplementary affidavit filed in Writ Petition No.20453 of 2020, it is stated that there is no proposal for any construction for utilisation of the site where the shop of the petitioners is situate nor is there any proposed constructions thereon. It is submitted that out of 5 shops located in the Swaroop Rani Nehru Medical Hospital (In short 'Hospital') premises, only two shops have been asked to be vacated. Further submission of the learned Senior Counsel for the petitioners is that under the lease agreement dated

13.2.1996, there cannot be any resumption of the shops in question and invocation of clause 14 of the lease deed by the Principal of the Medical College is an arbitrary and illegal exercise of power. The said clause can only be invoked by the State Government and, moreover, the lease agreement is for a period of 30 years and could not have been revoked in the manner as has been adopted by the Principal, Medical College.

Shri Manish Goyal, learned Additional Advocate General assisted by Shri A.K. Goyal, learned Additional Chief Standing Counsel, on the instructions received from the Principal, Medical College, Prayagraj, submit that a (G + 3) building has been planned on the site in question and the two shops in question located inside the Hospital campus are to be vacated. The submission is that the lease has been resumed for extension of the Hospital premises and the petitioners have been asked to vacate as the land situated in the Hospital premises is needed in public interest.

Shri Amrendra Nath Singh, learned Senior Advocate and Ms. Shreya Gupta, learned counsel appearing for the petitioners, however, dispute the said statement made by Shri Manish Goyal, learned Additional Advocate General. According to them, there is no proposal at all and their eviction is discriminatory, inasmuch as, a new lease agreement has been executed in favour of one Pitamabara Medicals' for a shop located inside the campus.

In order to ascertain the statement made in the Court on behalf of the Principal, Medical College, we propose to grant time to the counsels for the respondents to seek instructions. However, we do not find any good ground to grant any interim order as on today.

As prayed, put up this matter as fresh on 1.12.2020 before the appropriate Bench. In the meantime, Shri Manish Goyal, learned Additional Advocate General shall seek instructions. Written instructions be placed before the Court on the next date fixed. The interim application would be considered thereafter.

The matter is hereby released. It may not be treated as part-heard or tied-up to this Bench.

**Order Date :- 29.11.2020**

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