

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1870 of 2014

- Rajendra Singh Parihar S/o Late Balle Singh Aged About 50 Years R/o Nandi Chowk Dixit Gali Tikrapara Raipur C.G.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Department Of Home (Police), Mantralaya, Mahanadi Bhawan, Naya Raipur, Distt. Raipur C.G.
2. The Director General Of Police, Police Headquarters, Raipur C.G.
3. Superintendent Of Police, Police Headquarters, Raipur C.G.
4. Derha Vinayak Head Constable Police Station Tikrapara Raipur Distt. Raipur C.G.
5. Guleshwar Prasad Gupta Through The Superintendent Of Police Raipur C.G.
6. Maheshwar Prasad Gupta Through The Superintendent Of Police Raipur C.G.
7. Smt. Asha Gupta W/o Maheshwar Prasad Gupta Through The Superintendent Of Police, Raipur, C.G.

---- Respondents

For Petitioner	Shri Amrito Das, Advocate
For Respondent/State	Shri Arun Sao, Dy. AG
For Respondent No.5	Shri S.S. Rajput, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board By

27/10/2015

1. The petitioner claims to be inducted as tenant in the subject residential premises by one Late Sarju Prasad Gupta. The respondent Nos.5 to 7

are the legal heirs of Late Sarju Prasad Gupta. According to the petitioner, the respondent Nos.5 to 7 are claiming to be his landlord by making an assertion that they are the legal heirs of Late Sarju Prasad Gupta. On the other hand, the respondent Nos.5 to 7 claim to be the legal heirs of Late Sarju Prasad Gupta, but they refuse existence of relationship of landlord and tenant between them and the petitioner.

2. In the present writ petition, the petitioner has prayed for a direction to the respondent authorities for initiating enquiry against the respondent No.4, as the said respondent is illegally using his office and power to harass the petitioner at the behest of the respondent Nos.5 to 7. The petitioner has also prayed for taking action against the erring police officials and for safety and protection from the respondents and police officials.
3. After hearing learned counsel for the parties, it would appear to this Court that there are civil disputes between the parties in relation to their status as landlord and tenant and the matter is also pending before the Rent Controlling Authority, Raipur, before whom the petitioner has moved an application seeking protection under Section 37 of the Chhattisgarh Accommodation Control Act, 1961.
4. The respondent Nos.5 to 7 have denied that they are harassing the petitioner. According to them, it is the petitioner, who is not allowing them to enjoy the accommodation as its owner.
5. In view of conflicting claims and the pendency of the matter before the Rent Controlling Authority, it may not be appropriate to exercise jurisdiction under Article 226 of the Constitution of India, therefore, the writ petition is disposed of with an observation that it shall remain open

for the parties to approach the Rent Controlling Authority or the Jurisdictional Civil Court seeking redressal of their respective grievances pertaining to lodging of criminal case or FIR or suit for eviction or otherwise, wherein parties may also seek temporary injunction.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA

Nirala