

HIGH COURT OF CHHATTISGARH, BILASPUR

CR No. 132 of 2014

1. Vijay Kumar Agrawal S/o Late Narayan Prasad, aged about 55 years, R/o Manendragarh, Post, P.S. and Tah. Manendragarh, Distt. Korea C.G.

---- Applicant

Versus

1. Smt. Basanta Tak (Since Deceased) through Lrs
 - 1a. Brijesh Tak S/o Late Arun Kumar Tak R/o in front of Vinay Hotel, Manendragarh, Post, P.S. and Tah. Manendragarh, Distt. Korea C.G.
 - 1b. Ku. Heena Tak D/o Late Arun Kumar Tak R/o in front of Vinay Hotel, Manendragarh, Post, P.S. and Tah. Manendragarh, Distt. Korea C.G.
2. Smt. Manjula Tak W/o Late Arun Kumar Tak, aged about 42 years, R/o in front of Vinay Hotel, Manendragarh, Post, P.S. and Tah. Manendragarh, Distt. Korea C.G.

---- Non-applicants

For Applicant – Shri Prafull N.Bharat, Advocate.

For Non-applicants 1a and 1b – Shri Parag Kotecha, Advocate.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order On Board

29/06/2015

1. Learned counsel for the non-applicants submits that provision mentioned in 23-F of the C.G. Accommodation Control Act, 1961 is relevant which reads as under :-

“**23-F. Duration of stay** – The stay of the operation of the order of eviction passed by a Rent Controlling Authority or by the High Court shall not enure for a total period of more than six months.”

The order for eviction passed by the Rent Controlling Authority, Manendragarh, District Korea on 27-02-2013. Vide order dated 20-11-2014, the effect and operation of the impugned order dated 27-02-2013 in Revenue Case No.03/A – 90(3) 2010 – 11 stayed until further orders. On the other hand, as per statutory

provision, duration of stay shall not be for a period more than 6 months. In the present facts and circumstances order of eviction passed on 27-02-2013. For 2 years 4 months and 2 days order is not made functional and executed. Even after the order of this Court dated 20-11-2014, 7 months and 9 days has been passed. With this, the impugned civil revision had become redundant. Therefore, appropriate order be passed.

2. On behalf of the applicant, the prayer is opposed.

3. Looking to the mandatory provision of Section 23-F of the C.G. Accommodation Control Act, 1961, this Court can order for the stay of the operation and order of eviction passed by the Rent Controlling Authority not more than 6 months. The stay period is also over and for 7 months 9 days order dated 20-11-2014 is in force.

4. Looking to the statutory provision as the stay of the operation for the orders of eviction passed by the Rent Controlling Authority are enured for a total period more than 6 months, the instant civil revision becomes redundant, consequently, stands dismissed.

5. No order as to cost.

Sd/-
(C.B.Bajpai)
JUDGE

