

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 823 of 2015

Jahrul Hasan S/o Late Shri Hazi Mohhamad, Aged About 75 Years R/o Hasan Enterprises, Sadar Road, Ambikapur, Civil & Revenue District Sarguja Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary Co-Operative Department, Mantralay, P.S. Rakhi Naya Raipur Chhattisgarh
2. Deputy Registrar, District Vanopaj Sangh, Korea, District Baikunthpur Chhattisgarh
3. Joint Registrar, Co-Operative Department, Sarguja, Division Ambikapur, (Chhattisgarh)
4. Chhattisgarh State Co-Operative Tribunal, Bilaspur, District Bilaspur Chhattisgarh
5. Managing Director, Forest Division Korea, Zila Vanopaj Sahkari Sangh Maryadit, Korea, Baikunthpur, District Korea Chhattisgarh

---- Respondents

Shri Keshav Dewangan, counsel for the petitioner/s.
Ms. Sunita Jain, Panel Lawyer for the State.

Order On Board

13/10/2015

Heard.

This petition, under Article 227 is directed against order dated 13/05/15 (Annexure P/8) by which, petitioner's second appeal has been dismissed by Cooperative Tribunal.

2. Submission of learned counsel for the petitioner is that as per the practice, the agreement of tenancy was to take place for a period of one year. Initially, period of one year expired and even though there is no fresh agreement executed, respondent No.5 unauthorisedly continued in possession. After two months, respondent No.5 vacated the premise and paid rent of two months.

Submission of learned counsel for the petitioner is that once respondent No.5

continued in possession after expiry of one year, though only for few months, respondent No.5 was liable to pay rent for 12 months.

3. I am afraid, submission is not based on any legally enforceable right created under any law or any valid and subsisting agreement between the parties. Without any agreement, the respondents continued for two months and for that period, they paid rent. In the absence of any agreement, the petitioner cannot seek to enforce any such right. The order passed by the Tribunal warrants no interference. The petition is accordingly dismissed.

**Sd/-
(Manindra Mohan Shrivastava)
Judge**