

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 280 of 2016**

Madhusudan Agrawal S/o Kanhaiya Agrawal, Aged About 51 Years R/o Laxmi Chandra, House No. 288, 2nd Floor, Nehru Nagar, Main Road, Bilaspur Tahsil And District Bilaspur Chhattisgarh.

---- Appellant

Versus

1. Union of India through the Secretary, Ministry of Labour and Employment, Sansad Marg, New Delhi India.
2. Assistant Labour Commissioner (Central), Labour And Employment Ministry Office Torwa, Bilaspur, District Bilaspur Chhattisgarh.
3. Regional Labour Commissioner (Central) D-6, Sector -1, Adarsha, Society Colony, Avanti Vihar, Raipur District Raipur Chhattisgarh.
4. Chief Labour Commissioner Central Shram Shakti Bhawan, 5th Floor Rafi Marg New Delhi (India) 110011.

---- Respondents

For Appellant	:	Shri HB Agrawal, Sr. Advocate along with Ms. Nand Kumari Kashyap, Advocate.
For Respondents	:	Shri NK Vyas, Assistant Solicitor General.

Hon'ble The Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Order On Board

Per, Deepak Gupta, Chief Justice.

23/06/2016

1. IA No.1, application for condonation of 31 days delay in filing the writ appeal is allowed and accordingly delay is condoned.
2. This writ appeal is directed against the order dated 30.03.2016 passed in Writ Petition (C) No. 1061 of 2015 whereby the writ petition filed by the petitioner was dismissed.

3. The petitioner in the writ petition has prayed for grant of following relief:

“10(a). That, the Hon'ble Court may kindly be pleased to allow the petition by making suitable direction to the respondents to pay the arrears of difference of rent enhance with that of unenhance rate which is being paid to the petitioner from 05.10.2010 till date and furthermore they be directed to not shift from the accommodation of petitioner to the residential area which is violative of Section 291 of C.G. Municipal Corporation Act as held by Division Bench of this court by directing suitably to the respondents.”

4. The facts of the case are that, the respondents were running the office of “Assistant Labour Commissioner (Central)” in the premises owned by the petitioner.

5. From the relief clause quoted above, it is apparent that the main relief claimed by the petitioner is that the respondents be directed to pay arrears of rent and rent be enhanced w.e.f. 05.10.2010 . As far as this part of the relief is concerned, the learned Single Judge has rightly held that the jurisdiction lie only with the Rent Control Authority.

6. The last part of the relief is that the respondents should not be permitted to shift its accommodation to a residential area. We are not inclined to entertain this relief also because that has nothing to do with the petitioner. It is not his case that he is a resident of the area to which the office is being shifted.

7. In case any party is aggrieved with regard to shifting of the office to residential area, then that party can initiate proceeding but such challenge cannot be permitted in this writ petition initiated by the landlord.

8. We therefore find no merit in the writ appeal. The same is accordingly dismissed.

Sd/-

(Deepak Gupta)
Chief Justice

Sd/-

(P.Sam Koshy)
Judge