

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1277 of 2016**

- Bhuneshwar Shrivastava S/o Late Shri Birbal Shrivastava, Aged About 48 Years
R/o Gaushala Para, Raigarh, Tahsil & District Raigarh, Chhattisgarh.

---- Petitioner**Versus**

1. Kimti Goyal S/o Late Kishan Lal Goyal, R/o Near Ramniwas Talkies,
Raigarh Thana, Tahsil & District Raigarh (Chhattisgarh).
2. The Rent Control Tribunal, Office Of Rent Control Tribunal, Thana
Raipur, Tahsil And District Raipur (Chhattisgarh).
3. The Rent Control Officer, Office Of The Rent Control Officer, Thana
Raigarh Tahsil & District Raigarh (Chhattisgarh).

---- Respondent

For Petitioner : Shri N.K. Malviya, Advocate.
For Respondent/State : Shri Ramakant Mishra, Deputy AG.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****05/07/2016**

1. This writ petition under Article 226/227 of the Constitution of India has been preferred by the tenant challenging the appellate order passed by the Chhattisgarh Rent Control Tribunal which in turn was preferred against the order passed by the Rent Controlling Authority on 23.12.2015 dismissing the petitioner's preliminary objection regarding maintainability of the eviction proceeding.

2. It is argued that in the previous proceeding, respondent No.1 had denied that the petitioner is his tenant, therefore, the present proceeding for eviction is not maintainable because there is no relationship of landlord and tenant.
3. Since the matter is still pending before the Rent Controlling Authority where the petitioner would get opportunity to lead evidence, he would be at liberty to adduce evidence on this aspect denying the relationship of landlord and tenant. While deciding the eviction proceeding finally, the Rent Controlling Authority shall decide the issue regarding relationship of landlord and tenant without being influenced by its previous order.
4. With the aforesaid observations, the writ petition stands disposed of.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve