

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2192 of 2015

Vinod Rai Parekh S/o Late Chunnilal Parekh, Aged About 72 Years Proprietor Parekh Jewellers, Sadar Bazar, Bilaspur, R/o Tirupati Bhawan, Near Santosh Lodge, Juni Line, Bilaspur, Tahsil & District Bilaspur, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Housing And Environment, Mahanadi Bhawan, Mantralaya, Naya Raipur, Tahsil & District Raipur, (Chhattisgarh)
2. The Rent Control Tribunal, Through Its Chairman, First Floor, Old R D A Building, Shastri Chowk, Raipur, Tahsil & District Raipur, (Chhattisgarh)
3. Vinod Kumar Mishra, S/o Late Dwarika Prasad Mishra, Aged About 77 Years R/o Sadar Bazar, Bilaspur, Tahsil & District Bilaspur, (Chhattisgarh)
4. Arun Kumar Mishra, S/o Late Dwarika Prasad Mishra, Aged About 71 Years R/o Sadar Bazar, Bilaspur, Tahsil & District Bilaspur, (Chhattisgarh)

---- Respondents

For Petitioner	:	Mr. Sourabh Sharma, Advocate
For State	:	Mr. B. Gop Kumar, Dy. A.G.
For respondents No.3 & 4	:	Mr. Amrito Das, Advocate.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

11/05/2016

Heard.

This petition arises out of an order dated 20.11.2015 passed by the Rent Control Tribunal.

2. An objection to the maintainability has been raised on the ground that there is remedy of appeal under Section 13(2) of the Chhattisgarh Rent Control Act, 2011 (for short "the Act of 2011").

3. Learned counsel for the petitioner submits that the petitioner has separately filed a petition challenging the constitutional validity of Section 13(2) of the Act of 2011 and that petition is pending before the Court.

4. It is stated that some other petitions challenging constitutional validity of various provision of the Act of 2011 are pending before the Court. He submits that in those cases, the State has come out with the stand that the provision of the present Act are under consideration for certain amendments. He also submits that in view of the provision contained in Sub-Section 5 of Section 6 of the Act of 2011, the jurisdiction of this Court is not excluded, therefore, the petition would be maintainable irrespective of remedy of appeal.

5. Section 13(2) provides as under :

“**S.13(2)** Appeal against an order of the Rent Control Tribunal shall lie with the Supreme Court.”

5. As the remedy of appeal is before the Hon'ble Supreme Court, this petition is not maintainable and is dismissed.

Sd/-
(Manindra Mohan Shrivastava)
J U D G E