

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 381 of 2016

1. M/s Madhoram & Sons Partnership Firm, Through Partner No.1 Santosh, S/o Late Madhoram Gupta, Aged About 64 Years, R/o Goshala Road, Handi Chowk, Raigarh, Tahsil And District Raigarh, (Chhattisgarh)
2. Mahveer Gupta, S/o Late Vishnu Swaroop Gupta, Aged About 40 Years R/o Goshala Road, Handi Chowk, Raigarh, Tahsil And District Raigarh, (Chhattisgarh)

---- Petitioner

Versus

1. Jaiprakash S/o Late Ramkumar Agrawal, Aged About 62 Years R/o Danipara, Raigarh, Tahsil And District Raigarh, (Chhattisgarh)
2. State Of Chhattisgarh, Through Collector, Raigarh, District Raigarh, (Chhattisgarh)

---- Respondent

For Petitioner	:	Shri Y.C. Sharma, Advocate
For respondent No.1	:	Shri Vipin Punjabi, Advocate
For respondent No.2	:	Shri Dhiraj Wankhede, Govt. Advocate

S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

06/09/2016

Heard.

1. This petition arises out of impugned order dated 4.2.2016 passed by the learned lower appellate Court whereby the petitioners' application for spot inspection and report of the engineer along with application for taking permission to repair has been rejected.
2. Learned counsel for the petitioners submits that the petitioners' application has been rejected on the ground that the petitioners had not given any prior notice to respondent as required under Section 37 of the Chhattisgarh Accommodation Control Act, 1981 (for short "*the Act of 1981*"), whereas the said provision may not be applicable because the petitioners do not admit tenancy.

3. On the other hand, learned counsel for the respondent opposed the prayer.
4. It is found that the petitioners have suffered decree of eviction and the appeal is pending before the appellate authority. The application was moved by the petitioners admittedly without giving any notice under Section 37 of the Act of 1981. The petitioners at present suffered decree of eviction passed on the ground that the petitioners are tenant. Therefore, at this stage when the petitioners are suffering decree of eviction, they are required to comply with the provision of Section 37 of the Act of 1981. Therefore, I do not find any illegality in the impugned order.
5. The petition is accordingly dismissed, however, reserving liberty to the petitioners to apply in the Court after giving due notice under Section 37 of the Act of 1981.

Sd/-
(Manindra Mohan Shrivastava)
Judge