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HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1061 of 2015

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

---- Petitioner

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

Mr. H.B. Agrawal, Senior Advocate with Mrs. Meera
Jaiswal, Advocate for the petitioner.

Mr. N.K. Vyas, Asst. S.G. for Union of India.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

30/03/2016

Heard.

1. This petition has been filed by the petitioner seeking a
direction to respondents to make payment of arrears of rent on

enhanced rate and also for a direction that the respondents be restrained from shifting the accommodation of the petitioner to another residential area.

2. Learned counsel for the petitioner submits that the respondents are liable to pay the rent as per agreement between the parties. It is the allegation of the petitioner that the petitioner was entitled to enhanced rate of rent from 2010 but the rent, at the enhanced rate, has not been paid to the petitioner and in order to avoid payment of rent, the respondents are wanting to vacate the present premises. He also submits that the respondents have not submitted any detail with regard to the master plan of the city to satisfy whether the proposed place of accommodation is commercial or residential.

3. As far as the petitioner's claim of rent at the enhanced rate is concerned, the petitioner has an efficacious remedy of approaching the Rent Controlling Authority / Civil Court to raise claim for arrears of rent.

4. The other relief sought in the petition, cannot be granted to the petitioner for the reason that it has nothing to do with the rights of the petitioner. The respondent No.2 is a tenant. It is his choice either to stay back in the accommodation or to leave the same. No writ can be issued by the Court restraining the tenant from vacating tenanted premises. That relief cannot be granted to the petitioner.

5. With the liberty to approach the Rent Controlling Authority/ Civil Court claiming arrears of rent. The petition is dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

