

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2957 of 2007

1. Alok Harjpal, S/o Dr.K.K. Harjpal, aged about 37 years, Profession Drug Seller, R/o Shanti Nagar Ward, Near Durga Mandir, Jagdalpur, Dist. Bastar (CG).
2. Rajendra Rai, S/o Late Shri Kedar Nath Rai, aged about 56 years, Profession Drug Seller, R/o Shanti Nagar Ward, Jagdalpur, Tahsil-, District-Bastar (CG).
3. Shanti Lal Jain, S/o Late Shri F.R. Jain, aged about 54 years, Profession Drug Seller, R/o Vrindavan Colony, Near D.N.K. Press, Jagdalpur, District-Bastar (CG).

---- Petitioner

Versus

1. State Of Chhattisgarh, through the Secretary, Department of Home, Ministry, DKS Building, Raipur (CG).
2. The Superintendent Of Police Jagdalpur Circle, Jagdalpur, District-Bastar,
3. The Controller Food And Drug Administration, Raipur, Chhatisgarh
4. Drug Licensing Authority Jagdalpur, Head Office Raipur, Office Of Controller, Food & Drug Administration, Raipur (CG).
5. Shri Gouri Shankar Mishra S/o Late Shri Shiv Gulam Mishra, R/o Balaji Ward, Jagdalpur, Dist. Bastar, Present Address Kachoura, Baniyagaon, Tahsil-Kondagaon, District-Bastar,
6. Shri Umashankar Mishra S/o Shri Gouri Shankar Mishra, R/o Balaji Ward, Jagdalpur, Dist. Bastar (CG), present address through the Secretary, Deptt. Of Law, Ministry, D.K.S. Bhawan, Raipur (CG).
7. Shri Durga Shankar Mishra S/o Shri Gouri Shankar Mishra, R/o Balaji Ward, Jagdalpur, District-Bastar (CG).

8. Shri Devi Shankar Mishra S/o Shri Durga Shankar Mishra,
Balaji Ward, Jagdalpur, Tahsil-, District-Bastar (CG).

---- Respondent

For Petitioners	Shri Alok Dewangan, Advocate
For Respondent/State	Ms. K. Tripti Rao, Panel Lawyer
For Respondent No.6	Shri M.K. Bhaduri, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

12/01/2017

1. Petitioners are tenants of the respondent No.5. Apprehending the illegal demolition of the shop, the petitioners have preferred this writ petition for a direction to the respondents not to demolish the shop or evict them without taking recourse of law.

2. In course of hearing, it is informed that at the time of filing of the petition some portion of the shop was demolished, however, on the strength of the interim order passed by this Court the other part remained intact and presently the respondent No.5 (including his legal representatives) have moved an application before the Rent Controlling Authority ('the RCA' in short) initiating action for petitioners eviction from the rented premises.

3. In view of the above, the writ petition is disposed of with a direction that the interim order passed by this Court shall continue and the petitioners shall not be dispossessed without taking recourse of law. This order shall not be treated as if this Court has restrained the RCA from proceeding ahead in the matter. The jurisdictional RCA shall decide the application pending before it in accordance with law and on its own merits. In the event the application is allowed, the petitioners may be evicted in due course of law.

4. There shall be no order as to costs.

Sd/-

Judge

Prashant Kumar Mishra

Gowri