

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
W.P.(C) No.3297 of 2017

(Arising out of judgment/order dated 10.11.2017 passed in Appeal No.35-A/2017 of the Rent Control Tribunal)

Atul Dubey S/o Shri Prakashnarayan Dubey, Aged About 48 Years Mamta Medical Stores, In Front Of Tahsil Office, G. R. Road, Raipur, R/o O-4 Sale Tax, Colony, Kachna Road, Kamhadih, Tahsil & District Raipur Chhattisgarh

---- Petitioner**Versus**

1. Usha Sahni D/o Late Shri Harbanshlal Sahni, Aged About 65 Years R/o Ganj Lodhi Para, Station Road, Tahsil & District Raipur Chhattisgarh
2. Sunita Sahni, D/o Late Shri Harbanshlal Sahni Aged About 55 Years R/o Ganj Lodhi Para, Station Road Tahsil & District Raipur Chhattisgarh

---- Respondents

For Petitioner: Shri AK Prasad, Advocate.
 For Respondent: None.

Hon'ble The Chief Justice
Hon'ble Shri Justice Sanjay Agrawal
Order on Board

Per Thottathil B. Radhakrishnan, Chief Justice

08/12/2017

1. We have heard the learned Counsel for the Petitioner in this application under Article 227 of the Constitution of India challenging the order of the Rent Control Tribunal confirming an order of eviction passed by the Rent Controller.

2. Two persons, as the legal representatives of one Ayodhya Nath Sahni, instituted an application for eviction of Atul Dubey, who has instituted this Petition. In opposition to that application and in support of the Appeal filed before the Tribunal, it was contended by the Writ Petitioner that the premises originally belonged to Raipur Development Authority (RDA) which had given it on lease to Late Ayodhya Nath Sahni and on his demise, his legal representatives could not sue the Writ Petitioner for eviction, though he was

inducted by Late Sahni after receipt of Rs,18,20,000/- in two installments of Rs.10 lacs and Rs.8,20,000/- in the year 2013.

3. The plea canvassed in support of this Writ Petition is that the provisions of the Rent Control Act (for short 'the Act') could not have been invoked by the legal representatives of Late Sahni against the Writ Petitioner because the primary title to the property rested with RDA and the buildings belonging to that authority are exempted from the purview of the Rent Control Act. This is not a case where the RDA is seeking eviction of any particular person. Nor is it a case where a person is seeking protection of the Act as against the RDA.

4. With the aforesaid situation, learned Counsel for the Petitioner further argued that the period of lease and the entrustment by Late Sahni in favour of the Petitioner has come to an end. Obviously, therefore, the Petitioner is a holding-over-tenant and that does not by itself take him away from the purview of the applicability of the Act as between the landlord and tenant, as defined under that Act. The nature of the transaction as disclosed by the pleadings and findings of the Tribunal and the Rent Controller clearly evidence that Sahni is the landlord for the purpose of Rent Control Act and that the Writ Petitioner was a tenant. Under such circumstances, this also fails.

5. In the result, we do not find any illegality or infirmity in the order impugned warranting interference in exercise of jurisdiction under Article 227 of the Constitution. This Writ Petition, therefore fails and is accordingly dismissed.

Sd/-
(Thottathil B. Radhakrishnan)
CHIEF JUSTICE

Sd/-
(Sanjay Agrawal)
JUDGE