

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 234 of 2017

- Smt. Pushpa Sharma W/o Dr. Saroj Sharma, Aged About 53 Years R/o Debnandan Nagar, Phase-I, Sarkanda, Bilaspur, District Bilaspur (Chhattisgarh).

---- Petitioner

Versus

1. Smt. Nashrin Bano W/o Mohammad Shehjada, Aged About 37 Years R/o Village & Post Khamahria, Tahsil Masturi, District Bilaspur (Chhattisgarh).
2. Mohammad Shehjada, Aged About 43 Years R/o Village & Post Khamahria, Tahsil Masturi, District Bilaspur (Chhattisgarh).

---- Respondents

And

WA No. 236 Of 2017

- Dr. Saroj Sharma S/o Late Umashankar, Aged About 56 Years R/o Debnandan Nagar, Phase- I, Sarkanad, Bilaspur, District Bilaspur, (Chhattisgarh).

---- Petitioner

Vs

1. Smt. Nashrin Bano W/o Mohammad Shehjada, Aged About 37 Years R/o Village & Post Khamahria, Tahsil Masturi, District Bilaspur, (Chhattisgarh).
2. Mohammad Shehjada Aged About 43 Years R/o Village & Post Khamahria, Tahsil Masturi, Distirct Bilaspur Chhattisgarh
3. Smt. Pushpa Sharma, W/o Dr. Saroj Sharma, Aged About 54 Years R/o Devnandan Nagar, Phase I, Sarkanda, Bilaspur, Distirct Bilaspur Chhattisgarh
4. The Rent Controlling Authority, Bilaspur Chhattisgarh

---- Respondents

For Appellants : Shri Hemant Gupta and Shri Neeraj Choubey, Advocates
For Respondents No.1&2 : Shri Devesh G. Kela, Advocate
For Respondent/State : Shri Avinash Singh, Panel Lawyer

Hon'ble Thottathil B. Radhakrishnan, Chief Justice

Hon'ble Shri Justice Sharad Kumar Gupta

Judgment on Board

Per Thottathil B. Radhakrishnan, Chief Justice

27.07.2017

1. Heard the learned counsel for the parties and the learned Advocate for the State in these writ appeals filed against a common judgment rendered by the Single Bench on two writ petitions challenging the decisions rendered by the Rent Control Tribunal.

2. The Rent Control Tribunal has been constituted as per Section 6 of the Chhattisgarh Rent Control Act, 2011, which provides that the State Government shall constitute a Tribunal in terms of Article 323-B of the Constitution. Therefore, the Chhattisgarh Rent Control Tribunal is a Tribunal which is constituted in terms of Article 323-B of the Constitution by the State Government in exercise of power under Section 6 of the Chhattisgarh Rent Control Act, 2011. So much so, a writ petition challenging the orders of the Chhattisgarh Rent Control Tribunal is a matter which shall be heard by a Division Bench in terms of Rule 23 of the High Court of Chhattisgarh Rules, 2007. That is not a matter which falls within Rule 22 of those Rules which contain the list of matters which shall ordinarily be heard and disposed of by a Learned Single Judge sitting alone.
3. The impugned judgment having been rendered by the Learned Single Judge sitting alone, the same has been issued in contradiction to the extant provisions in the High Court of Chhattisgarh Rules, 2007. For this reason, without expressing anything on merits of the rival contentions, these writ appeals are allowed setting aside the common judgment dated 23.06.2017 in Writ Petition (C) Nos. 2774 of 2016 and 2563 of 2016. Let the writ petitions from which those appeals arise be listed as per roster in accordance with what is stated hereinabove, tomorrow i.e. on 28.07.2017.
4. This judgment shall be noted by the Registry for future guidance.

Sd/-
(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-
(Sharad Kumar Gupta)
Judge