

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 362 of 2017

Avdhesh Sharma S/o Shri Bavan Sharma Aged About 42 Years R/o
Sada Colony, Sardar Patel Nagar, Jamnipali Darri, Tehsil Katghora,
District Korba, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, Department Of Urban Administration And Development, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh.
2. Sub-Divisional Officer (Revenue) Katghora, Tehsil Katghora, District Korba, Chhattisgarh
3. Smt. Meena Sharma, W/o Late Shri Jarnail Prasad Sharma Aged About 55 Years R/o Power House Raod, Korba, Tehsil And District- Korba, Chhattisgarh.

---- Respondents

For petitioner - Shri Amrito Das, Advocate.
For Respondent/State –Smt. Astha Shukla, PL.
For respondent No.3- Shri Surfaraj Khan, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order

30/04/2018

Heard.

1. Instant petition is against the order dated 27/01/2017 whereby objection preferred by the petitioner in proceeding before the Rent Control Authority for eviction was dismissed.
2. Learned counsel for the petitioner submits that property for which eviction has been sought for is joint family property and landlord relation never existed in respect of the property and the petitioner has filed a civil suit for declaration and permanent injunction. It is submitted by the petitioner that proceeding before the Rent Control Authority cannot continue. In the result, order dated 27/01/2017 may be set aside.
3. Perusal of the order dated 27/01/2017 would show that suit for eviction has been filed by Meena Sharma respondent No.3 claiming that

the petitioner as a tenant in the said premises i.e. superstructure situated over the plot no.1 at Jamnipali, Katghora which comprises of shop as also residential premises. Proceeding before the Rent Control Authority being summary in nature and prima facie it appears that property has been recorded in the name of respondent No.3 Meena Sharma after death of her husband J.P. Sharma, in the considered opinion of this court arresting proceeding before the Rent Control Authority would not be proper measure in the facts of this case. Petitioner may raise all his grounds before the concerned Rent Control Authority below and may also assert his right by way of evidence which may have direct implication as to the tenability of the proceeding before the Rent Control Authority. Therefore, it is observed that the petitioner shall be at liberty to raise all his grounds before the Rent Control Authority and on the basis of such evidence the authority shall take into account the defence while arriving at finding of relationship of landlord (according to Rent Act) and tenant between the petitioner and respondent.

4. With such observation, the petition stands disposed of.

Sd/-

(Goutam Bhaduri)

JUDGE