

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2090 of 2018

- Laxman Das Jaiswani S/o Shri Khiyal Das Aged About 81 Years R/o In Front Of Gayatri Hospital, Near Shiv Mandir, Tirthami Gali New Sarkanda, Tahsil And District Bilaspur, Chhattisgarh..... (Appellant/non-Applicant),

---- Petitioner

Versus

- Smt. Gayatri Dewangan W/o Shri Ramnarayan Dewangan Aged About 57 Years R/o Kumharpara, Kabeera Rickshaw Garage, Juna Bilaspur, Tahsil And Distict- Bilaspur, Chhattisgarh..... (Respondent/applicant),

---- Respondent

For Petitioner	: Shri Rishi Rahul Soni, Advocate
For Respondent	: None present

Hon'ble Shri Justice Manindra Mohan Shrivastava
Hon'ble Smt. Justice Rajani Dubey

Judgement on Board by Manindra Mohan Shrivastava,J.

27/07/2018

Heard on admission.

This petition under Article 226/227 of the Constitution of India is preferred against the order dated 12.07.18 passed by the Rent Control Tribunal, Raipur, Chhattisgarh.

The only ground urged before us is that though the statutory notice as required under Section 12(2) of Schedule 2 of the Act of 2011 was not served in the manner prescribed under the law, the Rent Controlling Authority passed the order of eviction and the Tribunal did not appreciate this aspect in accordance with law and thereby failed to exercise its jurisdiction vested in law in upholding the order passed by the Rent Controlling Authority.

We find that under the law there exists remedy of statutory appeal.
Petitioner has chosen to file this petition before this Court.

We have gone through the order passed by the Tribunal. In para 16 & 17 of the order of the Tribunal, the Tribunal has taken into consideration evidence available on record to record a finding of fact that the eviction notice was received by the petitioner on 18.5.2016 and the application for eviction was filed on 1.12.16. Though learned counsel for the petitioner seeks to assail the correctness and validity of this finding of fact, while exercising certiorari jurisdiction or supervisory jurisdiction this court would not go into the correctness of findings of fact to substitute its own finding. In the absence of their being any patent illegality or error of jurisdiction, no case is made out for interference. Petition is accordingly dismissed.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Rajani Dubey)
Judge