

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 229 of 2018**

Prakash Pawar S/o Late Shri Jugraj Pawar, Aged About 61 Years R/o Rautpara (Nayapara), Opposite Bastar Goods Garige, Jagdalpur, District Bastar Chhattisgarh.

---- Petitioner

Versus

1. Chhattisgarh Rent Control Tribunal Through Its Registrar, C.G. Rent Control Tribunal, Old R.D.A. Building, First Floor, Shastri Chowk, Raipur Chhattisgarh.
2. The Rent Controlling Authority, District Jagdalpur, Bastar Chhattisgarh.
3. Kishori Singh Thakur S/o Late Raguraj Singh, Aged About 72 Years R/o Pratapganj Para, Opposite K-Lodge, Behind Bhartiya Bhandar, Jagdalpur District Bastar Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Neeraj Choubey, Advocate.
For Respondent No. 3	:	Shri Sameer Oraon, Advocate.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice
Hon'ble Shri Parth Prateem Sahu, Judge

Order on Board**Per Ajay Kumar Tripathi, Chief Justice****11/03/2019**

1. Heard learned counsel for the Petitioner and the Respondent No. 3.
2. Since the original order dated 08.05.2017 was passed by the Rent Controller in Case No. 6/A-90(7) Year 2014-2015, allowing eviction, therefore in terms of Rule 4(i) of the Exercise of Powers and Discharge of Functions of the Chhattisgarh Rent Control Tribunal Rules, 2015, (for short 'the Rules, 2015') the matter should have been heard by a Division Bench and not by a single Member. Even the issue with regard to maintainability of such a proceeding ought to have been decided by the Division Bench because that is what the rule mandates.

3. Rule 4(i) of the Rules 2015 reads as under:

"4. Powers of bench. - The following matters shall ordinarily be heard at motion or final stage and disposed off by the bench consisting of two or more members, namely:-

(i) Appeal against the judgment/order passed by the Rent Controller for eviction and arrears of rent shall be heard and disposed off by the double bench;"

4. The writ application is allowed. The impugned order dated 21.09.2017 is set aside and the matter is remanded back for fresh consideration.

Sd/-
(Ajay Kumar Tripathi)
CHIEF JUSTICE

Sd/-
(Parth Prateem Sahu)
JUDGE