

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 871 of 2018**

- Manoj Shriwas S/o S/o Shri Vedram Shriwas Aged About 49 Years R/o Ganesh Nagar, Chuchuhiya Para, Ward No. 39, Bilaspur, Civil And Revenue District-Bilaspur, Chhattisgarh.

-----Petitioner**VERSUS**

1. Chhattisgarh Rent Control Tribunal through Registrar, C.G. Rent Control Tribunal, old RDA building, First Floor, Shashtri Chowk, Raipur C.G.
2. Rent Control Authority Bilaspur, Collectorate campus, Bilaspur C.G.
3. Prashant Mukharji S/o Shri Hemchand Mukharji, aged about 77 years R/o Gandhi Nagar, Bilaspur Tahsil & District Bilaspur C.G.
4. Pankaj Jha S/o Shri Vishnudev Jha R/o Behind Satya Automobiles, Transport Nagar, Korba C.G.

-----Respondents

For Petitioner	:	Mr. Avinash K. Mishra, Advocate
For Respondent-State	:	Mr. Sudeep Agrawal, Deputy A.G.

Hon'ble Shri P.R. Ramachandra Menon, Chief Justice**Hon'ble Shri Parth Prateem Sahu, Judge****Order on Board****Per P.R. Ramachandra Menon, C.J.****13/12/2019**

1. Petitioner moved to this Court with the following prayers:

“10.I It is prayed that, this Hon'ble Court may kindly be pleased to call the entire records pertaining to the case of the petitioner for its kind perusal from the respondent's authority.

10.II This Hon'ble Court may kindly be pleased to issue an appropriate writ, by quashing and setting aside the impugned order dated 23.02.2018, passed by respondent no. 1 in the Appeal no. 53-A/2017 (Annexure P/1) and further quash the entire execution proceeding of the evection case, initiated by the respondent no. 2 in pursuant of order dated 16.08.2017 (Annexure-P/2) passed by the respondent no.2 in evection case no. 12/A-90(6) of 2015-16.

10.III That, this Hon'ble court may kindly be pleased to issue an appropriate writ, order

protecting the interest/possession of the petitioner failing which the very purpose of filing instant writ petition would be frustrated.

10.IV Any other relief (s), which this Hon'ble Court may think fit and proper in the facts and circumstances of the case, with cost of the petition, may also please be granted to the petitioner.”

2. When the matter came up for consideration before this Court on 28-03-2018, following order was passed:

“... Call for the records of the Tribunal and the matter be listed for consideration on admission and prayer for stay after two weeks. Till the next date hearing, petitioner shall not be evicted. This order will be subject to depositing the amount monetary part of the order challenged before this Court within next three weeks before the Rent Controlling Authority concern....”

3. The matter was listed for further consideration on 12-12-2019, when the learned Deputy Advocate General pointed out that, this writ petition was not maintainable, in view of the law declared by the Apex Court as per the judgment dated 15-10-2019 in Civil Appeal (S) No. 5153/2019, declaring that the remedy of the aggrieved party against an order of the nature as impugned in the writ petition could only be by way of filing a petition, invoking the supervisory jurisdiction of the Court under Article 227 of the Constitution of India and not under Article 226. Today, the learned counsel for the petitioner points out that, no instruction is forthcoming as to the deposit ordered to be effected by this Court as per the interim order passed on 28-03-2018. It is further submitted that the learned counsel for the petitioner is having no instruction to proceed with the matter.
4. In the said circumstances, the writ petition stands dismissed for non-prosecution.

Sd/-
(P.R. Ramachandra Menon)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge