

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No. 938 of 2017**

{Arising out of Order dated 14.11.2017 passed in Appeal No. 24A/2017 by the Rent Control Tribunal, Raipur}

- Rajendra Srivas, aged about 47 years, S/o Late Shri Sitaram Srivas, R/o Awaspara, Sirgitti, Ward No. 1, Ambedkar Nagar, Sirgitti, Tahsil & District Bilaspur (C.G.)

---- Petitioner

Versus

- Ramashankar Yadav, aged about 75 years, S/o Late Ramprasad Yadav, R/o Lafagarh Gas Godam wali Gali, Near Bapji Colony, Shubham Vihar Colony, Tahsil & District Bilaspur (C.G.)

---- Respondent

For Petitioner	:	None.
For Respondent	:	Shri Ankit Singhal, Advocate.

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice**Hon'ble Shri Justice Parth Prateem Sahu, Judge****Order on Board****Per P. R. Ramachandra Menon, Chief Justice****10.07.2019**

1. The prayers in the writ petition are under the following terms:

“10.1 To call for entire records of the case from the Court below.

10.2 That, this Hon'ble Court may kindly be pleased to set aside the impugned order dated 14.11.2017 (**Annexure P-1**) passed by the learned court below and allow this writ petition.

10.3 That, any other relief or reliefs, which this Hon'ble Court deems fit and proper in view of the facts and circumstances of the case, may also be granted.”

2. When the matter is taken up for consideration, the learned counsel appearing for the Respondent / Landlord points out that the writ petition has been preferred invoking the supervisory jurisdiction of this Court under Article 227 of

the Constitution of India challenging the verdicts passed by Rent Controller and the Appellate Authority, whereby eviction was ordered / affirmed.

3. When the matter came up for consideration before this Court on 15.12.2017, an interim order of stay was granted; which however came to be modified, imposing a condition on 16.01.2018, that the writ Petitioner shall deposit the entire arrears of rent as found by the Rent Controller and the Appellate Authority within 45 days and shall satisfy the further accruing amounts towards use and occupation of the premises, at the very same monthly rate, to be effected on or before the 5th working day of every month commencing from February 2018.
4. Since the payment as ordered above was not reported, time was sought for, which was granted on 24.04.2108 as the last opportunity (by granting six weeks' time), with liberty to satisfy 50% of the amount due within three weeks and the balance within the next three weeks. It was also made clear that, in case of any failure, the interim order passed by this court would stand vacated without any further consideration.
5. The learned counsel for the Respondent / Landlord submits that the condition imposed by this Court was not complied with and ultimately, the building was surrendered and the possession was taken by the Respondent / Landlord.
6. In the above circumstance, nothing survives to be considered in the matter. There is no representation for the Petitioner as well.
7. The writ petition stands dismissed accordingly.

Sd/-

(P. R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge