

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1391 of 2019

G. S. Bhatia And Company Through-Proprietor, Gurdeep Singh Bhatia, S/o Late Shri Rawel Singh, Pulgaon, Naka, Durg, 491001, Tahsil And District- Durg, Chhattisgarh

---- Petitioner

Versus

1. Smt. Balbir Kaur W/o Late Dr. Surender Singh Mann Aged About 80 Years R/o Model Town, 5-A, Patiyala- 147001, District- Patiyala, (Punjab)
2. Hindustan Petroleum Corporation Limited Address- Post Box No. 11041, Bombay (Mumbai)- 400020, Through- Regional General Manager, Regional Office, Hindustran Petroleum Corporation Limited, Address- Madina Manzil, Jail Raod, Raipur-492001, Tahsil And District- Raipur, Chhattisgarh

---- Respondents

For Petitioner : Mr. V.G. Tamaskar, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

11.04.2019

Heard

1. Learned Counsel for the petitioner submits that petitioner herein is a licensee and proprietor of G.S. Bhatia & Company. However, by showing Rajinder Kaur Bhatia as a proprietor of G.S. Bhatia & Company, an eviction order has been passed by the Rent Controlling Authority, Rajnandgaon (C.G.). It is further submitted that the petitioner who is the owner of G.S. Bhatia & Company is a licensee of Hindustan Petroleum. It is therefore stated under the circumstances, the eviction order dated 27.02.2019 cannot be executed against the petitioner. The learned counsel for the petitioner also refers to AIR 2009 Supreme Court 1159 and would submit the ratio would be applicable in the case in hand and accordingly it may be held that eviction order dated 27/02/2019 would not be operative on the petitioner.

2. Perused the order dated 27.02.2019, which is an eviction order passed by the Rent Controlling Authority against Hindustan Petroleum Limited wherein the petitioner has been shown as G.S. Bhatia & Company through the proprietor Rajinder Kaur Bhatia. This petition has been filed by G.S. Bhatia & Company through proprietor Gurdeep Singh Bhatia against the eviction order of the Rent Controlling Authority. Under the Chhattisgarh Rent Control Act, 2011 the appeal is provided under Section 13 before the Rent Control Tribunal. The petitioner can very well agitate his ground before the Rent Control Tribunal if he considers him as an affected party.
3. Furthermore, if the petitioner is claiming the insulation then in such case, the petitioner should not be afraid of the eviction orders. Therefore, I am not inclined to interfere in the impugned order as the alternative remedies are provided under the Chhattisgarh Rent Control Act, 2011 to file an appeal. The petitioner, therefore, if so advised may file an appeal before the Rent Control Tribunal along with the appeal if the petitioner also chooses to file an application under Section 5 of the Limitation Act, the same may be decided objectively taking into fact the writ was filed before this court.
4. The Registry is directed to return the certified copy of the order dated 27.02.2019 to the petitioner after retaining the photocopy of the same, if so advised.
5. With such observations, the petition stands disposed of.

Sd/-

(Goutam Bhaduri)

Judge