

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1524 of 2019**

- Vikas Gurudwan S/o Shri R. C. Gurudwan, Aged About 41 Years R/o D.P. Vipra College Road, Near Chantidih Petrol Pump, Ashok Nagar, Seepat Road, Sarkanda Bilaspur Civil And Revenue District Bilaspur Chhattisgarh.

---- Petitioner**Versus**

1. Chhattisgarh Rent Control Tribunal, Through Registrar, C.G. Rent Control Tribunal, Old R.D.A. Building, First Floor, Shastri Chowk, Raipur Chhattisgarh.
2. The Rent Controlling Authority, District Bilaspur, Near Collectorate Bilaspur Chhattisgarh.
3. Vinay Kumar Shrivastava, S/o Omprakash Shrivastava, Aged About 43 Years R/o C - 32, Revenue Colony, Sarkanda, Bilaspur Chhattisgarh
4. Smt. Swati Shrivastava W/o Vinay Kumar Shrivastava, Aged About 41 Years R/o - C-32, Revenue Colony, Sarkanda, Bilaspur Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Vivek Ranjan Tiwari and Shri Neeraj Choubey, Advocates
For State/Respondents No.1 & 2	:	Ms. Richa Shukla, Deputy Govt. Advocate
For Respondents No.3 & 4	:	Shri Shashank Thakur, Advocate

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice**Hon'ble Shri Manindra Mohan Shrivastava, Judge****Order on Board****Per, Manindra Mohan Shrivastava, Judge****13.05.2019**

Heard.

1. The Petitioner seeks to assail the legality, propriety and validity of the order dated 19.03.2019 passed by the Rent Control Tribunal (hereinafter referred to as 'the Tribunal') in an appeal preferred by the Petitioner aggrieved by the order dated 07.12.2017 passed by the Rent Controlling Authority, by which the Rent Controlling Authority granted eviction order in favour of the Respondent-landlord.
2. Learned counsel for the Petitioner would submits that in the instant case the Petitioner had moved an application raising objection to the very maintainability of the proceedings and when an *ex-parte* order was passed, it was successfully subjected to challenge before this Court. It is next submitted that, later on, the

Rent Controlling Authority proceeded to pass final order which was subjected to challenge before the Tribunal. The learned counsel for the Petitioner would submit that the Petitioner raised substantial argument with regard to the right of the landlord to seek eviction under the Eviction laws. Those objections were not duly considered by the Tribunal, therefore, the present petition has been filed.

3. On the other hand, learned counsel for the Respondent-landlord would submit that in this petition and also before the Rent Controlling Authority, the only substantial objection, opposing landlord's application for eviction, is that the tenant, at one point of time, had entered into an agreement to sell the property with the erstwhile landlord. He submits that except this, no other substantial ground was raised.
4. We have gone through the impugned order and find that the Tribunal after taking into consideration the submissions made by learned counsel for the parties found that the order passed by the Rent Controlling Authority does not warrant any interference.
5. This essentially is in the nature of an application under Article 227 of the Constitution of India. No issue of jurisdictional defect has been raised before us, much less, having any merit.
6. Despite certain objections with regard to the procedural irregularity, what we find that substantially, the only issue which the Petitioner sought to raise in opposition to the eviction proceeding was that, at one point of time, landlord had entered into an agreement of sale of the property in dispute but, later on, instead of executing sale deed in his favour, the erstwhile landlord preferred to sell it to the present Respondent-landlord.

7. Learned counsel for the Respondent-landlord has brought to our notice that suit for specific performance filed by the Petitioner was dismissed and the appeal filed against the same has also been dismissed, though it is stated by the Petitioner that SLP has also been filed.
8. Be that as it may, the order passed by the Tribunal does not warrant interference because the order passed by the Rent Controlling Authority or the Tribunal does not appear to be suffering from any jurisdictional flaw.
9. The existing laws relating to eviction of the tenant only require the landlord to give notice and after expiry of stipulated period, the landlord becomes entitled to an order of eviction which has been done in the present case.
10. In that view of the matter, we do not find any good ground to interfere with the impugned order passed by the Tribunal.
11. We would, however, hasten to add that this order shall not adversely effect the Petitioner's remedy which he has already taken recourse to by filing SLP before the Hon'ble Supreme Court.

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

Sd/-
(Manindra Mohan Shrivastava)
Judge