

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1711 of 2019**

Kamal Kumar Saraf S/o Late Narmada Prasad Saraf Aged About 60 Years R/o Video Cassette Library, Shop No. 5, Madhya Nagriya Chowk, Bilaspur, Tahsil And District Bilaspur Chhattisgarh, At Present R/o Kranti Nagar Near Jain Mandir, Bilaspur District Bilaspur Chhattisgarh

---- Petitioner**Versus**

Sagar Jajodia S/o Late Suresh Jajodia, Aged About 27 Years R/o Madhya Nagriya Chowk, Marwadi Line In Front Of Khapraganj School, Bilaspur, Tahsil And District Bilaspur Chhattisgarh

---- Respondent

For Petitioner : Shri Manoj Paranjpe, Advocate

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice**Hon'ble Shri Manindra Mohan Shrivastava, Judge****Order On Board****Per Manindra Mohan Shrivastava, J.****13/05/2019**

By this writ petition, the petitioner seeks to challenge the order passed by the Rent Control Authority on 20.03.2019, whereby the appeal filed by the petitioner herein has been dismissed.

2. The only issue raised by learned counsel for the petitioner in the present petition is that while passing the order of eviction, the Rent Control Authority did not take into consideration the statutory requirement of service of notice as prescribed under the provision of Section 11 of the Rent Control Authority Act, 2011.

3. The argument raised by learned counsel for the petitioner is *sans merit* because

the petitioner chose to remain ex-parte before the Rent Control Authority. In the absence of any dispute of fact raised by the petitioner, it became an admitted position on facts that the notices were issued and served on the petitioner, though, the petitioner sought to raise dispute at the stage of appeal. On the aforesaid admitted factual position on record, the order of eviction was rightly upheld by the Appellate Tribunal. We do not find any jurisdictional flaw in the order of the Tribunal so as to warrant interference in this petition. The petition has no merits and is accordingly dismissed.

Sd/-

(P. R. Ramachandra Menon)
Chief Justice

Sd/-

(Manindra Mohan Shrivastava)
Judge