

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No. 2069 of 2020

Anand Krishna Mourya Son of Late Shri R.N. Mourya, Aged About 46 Years Resident Of 214, Behind Laghu Udyog Kendra, Malviya Nagar, Durg, District Durg (Chhattisgarh).

---Petitioner(s)

Versus

1. State of Chhattisgarh Through The Secretary, Department of Disaster Management, Mahanadi Bhawan, Atal Nagar, Mantralaya, Raipur, District Raipur Chhattisgarh.
2. Collector Durg, District Durg Chhattisgarh.
3. Sub Divisional Officer, Durg, Tahsil and District Durg Chhattisgarh.
4. Kamal Kishore Rathi Son of Late Shri Seetaram Rathi, Resident of Rathi Kunj, Near Rungata Niwas, Ganjpara, Durg District Durg Chhattisgarh.

---Respondents

For Petitioner	:	Shri Purnendra Khichariya, Advocate.
For Respondent-State	:	Shri Raghvendra Verma, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

02.09.2020

1. The relief sought for by the petitioner in this petition is for a direction to the respondent No.4 in permitting the petitioner to retain the shop occupied by him for the period during which the effect of Covid-19 Pandemic is going on as at this juncture, more particularly during the rainy season, the petitioner would find it difficult to get a different accommodation and for transporting of the goods and articles to the new location.
2. Prima facie this court is of the opinion that the dispute raised in the present writ petition is purely a landlord tenant dispute. Another factor which needs consideration is that it is not the case of the petitioner that the respondent No.4 is demolishing the shop which is occupied by the petitioner, but is demolishing the Dal Mill attached to the shop of the petitioner and there is apprehension of his shop getting damaged. This again is a fact which cannot be looked into by the High Court in exercise of its writ jurisdiction.

The proper remedy available to the petitioner would be by going to the District Administration as also before the concerned authority or the court having jurisdiction to consider the dispute between the landlord and tenant.

3. Reserving the right of the petitioner to approach the concerned authority as also the forum or court applicable, the present writ petition stands disposed of at this juncture. If at all if the petitioner approaches the authority, forum or court in this regard, the same shall be considered and decided on priority basis considering the fact that it is peak monsoon season and also considering the effect of Covid-19 Pandemic.
4. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

inder