

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (C) NO. 2601 OF 2020**

1. Shyamal Mallick S/o Late S.K. Mallick Aged About 56 Years R/o Old Bus Stand, Korba Tahsil And District Korba Chhattisgarh
2. Sajal Mallick, S/o Late S.K. Mallick Aged About 51 Years R/o Old Bus Stand, Korba Tahsil And District Korba Chhattisgarh
3. Ganesh Mallick S/o Late S.K. Mallick Aged About 47 Years R/o Old Bus Stand, Korba Tahsil And District Korba Chhattisgarh
4. Smt. Bhanumati Mallick Wd/o Late S.K. Mallick, Aged About 75 Years R/o Old Bus Stand, Korba Tahsil And District Korba Chhattisgarh

... Petitioners**Versus**

1. Smt. Fulli Devi Jaiswal W/o Late Ramjilal Jaiswal, Aged About 72 Years R/o Old Bus Stand, Korba Tahsil And District Korba Chhattisgarh.
2. Sub Divisional Officer (R) And Rent Control Authority, Korba, Tahsil And District Korba Chhattisgarh

... Respondents

For Petitioners	:	Mr. Devesh G. Kela, Advocate.
For Respondent No.2	:	Mr. V.R. Tiwari, Addl. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****09/11/2020**

1. Grievance of the petitioners in the present writ petition is the alleged proceedings initiated under the provisions of the Rent Control law by respondent no.1 before respondent no.2.
2. The objection of the petitioners is that the matter already has been once thrashed out before the Civil Court and the petitioners have a decree in their favour. The said decree also has been affirmed by the High Court and therefore the respondent no.1 does not have any right to prefer the proceedings under the Rent Control provisions before respondent no.2.
3. Perusal of the proceedings would reveal that the petitioners have already raised the objection before respondent no.2 and the proceedings have been drawn on the said application and it has been informed that the matter stands adjourned for arguments on the preliminary objection that the petitioners have raised.
4. Given the fact that the petitioners' objection is already pending consideration before respondent no.2, this Court at this juncture would not like to interfere with the proceedings, leaving it open for respondent no.2 to take appropriate decision at the earliest, in accordance with the law, on the

application/objection that the petitioners have raised. It is expected that respondent no.2 shall decide the objection of the petitioners so far as the maintainability of the claim is concerned, preferably within a period of 60 days from the date of receipt of copy of this order.

5. Writ Petition accordingly stands disposed of with the aforesaid direction.

/sharad/

Sd/-
(P. Sam Koshy)
JUDGE