

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 23 of 2021

- Gurbux Singh Chhabda, S/o Avtar Singh, Aged About 85 Years, R/o Sardar Fancystores, Manav Mandir Chowk, Rajnandgaon, Tahsil and District : Rajnandgaon, Chhattisgarh.

---- Petitioner

Versus

- Sanjay Trivedi, S/o Late Sampat Trivedi, Aged About 58 Years, R/o Surya Mobile, Manav Mandir Chowk, Rajnandgaon, Tahsil and District : Rajnandgaon, Chhattisgarh.

---- Respondent

For petitioner	:	Mr. Ravindra Agrawal, Advocate.
For respondent	:	Mr. Anoop Majumdar, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

08/03/2021

1. This petition under Article 227 of the Constitution of India has been filed against the order dated 23.12.2020 passed by the Rent Control Authority, District-Rajnandgaon directing eviction of the petitioner from the tenanted shop.
2. It has been brought to the notice to this Court that the Rent Control Tribunal constituted under the provisions of the Rent Control Act, 2011 has started functioning after appointment of the Chairman on 9.2.2021, therefore, the petitioner has the statutory remedy available before the Tribunal, hence, this petition would not be maintainable.
3. As this petition was filed at the time when the Tribunal was not functioning, hence, it was entertained for that reason but now the situation has changed, the petitioner has statutory remedy available and he has already filed appeal before the Tribunal which is pending consideration. Therefore, this petition under Article 227 of the Constitution of India cannot be continued.

4. After considering all the submissions, the present petition is disposed off. However, the petitioner is at liberty to approach the Rent Control Tribunal and seek remedy in accordance with provisions of the Rent Control Act, 2011. The interim order granted by this Court shall remain effective for further 15 days from today.
5. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha