

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 103 of 2021

- Ashwani Chotiya, S/o Raj Kumar Chotiya, Aged About 32 Years Proprieter- Chanchal Dairy and Bakeri, Opposite Sunder Nagar School Raipur Chhattisgarh, District : Raipur, Chhattisgarh.

---- Petitioner

Versus

- Sandeep Kumar Dewangan, S/o Shri Mohanlal Dewangan, Aged About 32 Years, R/o Opposite Sunder Nagar School, Raipur Chhattisgarh, District : Raipur, Chhattisgarh.

---- Respondent

For petitioner : Mr. Amit Sharma, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

23/2/2021

1. This petition under Article 227 of the Constitution of India has been brought challenging the order of Rent Control Authority, Raipur dated 30.1.2021 by which the petitioner has been directed to be evicted from the tenanted premises.
2. It is submitted by the learned counsel for the petitioner, that on the date this order was passed, the C.G. Rent Control Tribunal at Raipur was not functioning because of the vacancy in the seats of Chairman and the members of the said tribunal, therefore, the petitioner was constrained to file this petition under Article 227 Constitution of India. It is also submitted, that according to the information at present, the Chairman for the Rent Control Tribunal has been appointed by the State Government, who has joined on 15.2.2021 and, therefore, this tribunal has started functioning, hence, it is prayed that this petition may be disposed off granting a temporary protection to the petitioner and time to file appeal under Section 13 of the Rent Control Act before the Tribunal.

3. After considering all the submissions, the present petition is disposed off. It is ordered, that the impugned order of the Rent Control Authority, Raipur dated 30.1.2021 shall not be given effect for a period of 21 days from today. In the meanwhile, the petitioner is at liberty to approach the Rent Control Tribunal and prefer appeal as per the provisions under Rent Control Act, 2011 and seek relief accordingly.
4. Accordingly, the petition stands disposed off.

Certified copy today.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha