

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1836 of 2020

- Jaiprakash Jaiswal, S/o Late Shri Ramgopal Jaisawal Aged About 44 Years R/o Sindur Fancy Store Laxmipur, Gharghoda Road Raigarh, Tahsil and District- Raigarh, (C.G.), District : Raigarh, Chhattisgarh

---- Petitioner

Versus

1. Ashok Kumar Jaisawal, S/o Late Narayan Prasad Jaisawal, R/o Laxmipur, Gharghoda Road Raigarh, Tahsil and District- Raigarh, (C.G.).
2. The Rent Control Tribunal Raigarh Through Presiding Officer, Rent Control Tribunal Raigarh, District- Raigarh, (C.G.).

---- Respondents

For Petitioner	: Mr. Vineet Kumar Pandey, Advocate.
For Respondent No.1	: Mr. Rajendra Tripathi, Advocate.
For State	: Mr. Ashish Tiwari, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

25/10/2021

1. Heard.
2. It is submitted by the counsel for petitioner that present petition is filed against the order of Rent Controlling Authority. At the time when the appellate authority i.e. the Rent Control Tribunal, was not functioning. this Court vide order dated 19.8.2020 granted interim relief in favour of the petitioner.
3. It is submitted that now the Rent Control Tribunal has started functioning, therefore, this case may be disposed off granting protection to the petitioner against the impugned order.

4. Learned counsel for respondent has no objection if the case is disposed off.
5. Learned State counsel appearing for respondent makes formal objection.
6. Considered on the submissions.
7. The learned Tribunal has started functioning since February, 2021 and according to the provision under Rent Control Act, 2013, the statutory remedy is available to aggrieved person against the order of Rent Control Authority before the Rent Control Tribunal. As there is a statutory remedy available to the petitioner and entertainment of this petition had been only for stop gap arrangement, therefore, this petition is disposed off at motion stage with liberty to the petitioner to file an appeal under Section 13(1) of the Rent Control Act, 2013, before the Rent Control Tribunal within a period of 30 days and seek relief interim or final, as the case may be. Meanwhile, interim protection granted to the petitioner by this Court shall remain effective for a period of 6 weeks from today.
8. Accordingly, the petition stands disposed off.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha