

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No.490 of 2020

- Virendra Garhewal S/o Late Ramratan Garhewal Aged About 53 Years
R/o Kamet Coaching Institute And Kemiyo Centre, Agrawal Lodge Road,
Manendragarh, District Koriya Chhattisgarh

---- Petitioner

Versus

1. Rent Control Officer Manendragarh, District Koriya Chhattisgarh
2. Vijay Kesharwani S/o Late Hajarilal Kesharwani R/o Gandhi Chowk,
Manendragarh, District Koriya Chhattisgarh

---- Respondents

For Petitioner	– Mr. Parag Kotecha, Advocate.
For Respondent No.2	– Dr. N.K. Shukla, Sr. Advocate along with Mr. Prakash Tiwari, Mr. Bhuvneshwar Singh Rajput and Ms. Rashika Soni, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

03-03-2021

Heard.

1. This petition under Article 227 of Constitution of India has been brought seeking relief against the order dated 22.09.2020 passed by the Rent Controlling Authority, Manendragarh, District- Koriya, C.G., directing the eviction of the petitioner/tenant from the tenanted premises.
2. The petition was brought before this Court for the reason that the C.G. State Rent Controlling Tribunal was not functioning due to the vacancy in the seat of the Chairman and Members of the same, therefore, the petitioner had no remedy available. According to the Rent Control Act,

2011 (hereafter referred to as 'the Act, 2011'), it has been brought to the notice of this Court that the State Government of Chhattisgarh has made appointment to the post of Chairman of Chhattisgarh State Tribunal on 09.02.2021 and that after joining of the Chairman, the Tribunal has started functioning. This objection was raised by the petitioner side that the appointment of Members of the Tribunal is still due. According to the C.G. Rent Control Tribunal Rules, 2015, there is provision in Rule 3, 4 and 5, according to which, even in the absence of the members of the Tribunal, the Chairman as the sole member of the Tribunal and has capacity to function and entertain the petitions under the provisions of the Act, 2011.

3. Section 13 of the Act, 2011 provides for statutory remedy of appeal against the order passed by Rent Controlling Authority and as the same is available to the petitioner, hence, there is no longer requirement present to continue with this petition under Article 227 of Constitution of India. Hence, the petition is disposed off at the motion stage. The petitioner is at liberty to approach the learned Tribunal and seek relief under the provisions of the Act, 2011 in the appeal, which has been already filed by him before the Tribunal on 20.10.2020. It is further ordered that the interim order, granted in this case, shall remain effective for further 21 days, thus, granting time to the petitioner to approach the Tribunal and seek remedy as mentioned hereinabove.

4. Accordingly, this petition is disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge