

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 4704 of 2021

1. Smt. Bharti Devi Sajwani, W/o Late Kripal Das Sajwani, Aged About 60 Years R/o Sindhi Colony Road, Near Dhan Gurunanak Darbar, Jarhabhatha, Bilaspur, Tahsil And District Bilaspur (Chhattisgarh)
2. Vinod Kumar Sajwani, S/o Late Kripal Das Sajwani, Aged About 38 Years R/o Sindhi Colony Road, Near Dhan Gurunanak Darbar, Jarhabhatha, Bilaspur, Tahsil And District Bilaspur (Chhattisgarh)
3. Vijay Kumar Sajwani, S/o Late Kripal Das Sajwani, Aged About 32 Years R/o Sindhi Colony Road, Near Dhan Gurunanak Darbar, Jarhabhatha, Bilaspur, Tahsil and District Bilaspur (Chhattisgarh) ---- **Petitioners**

Versus

1. State of Chhattisgarh Through The Secretary, Housing and Environment Department, Mantralaya, New Raipur (Chhattisgarh)
2. The Collector, Bilaspur, District Bilaspur Chhattisgarh,
3. Onkar Prasad Sajwani S/o Late Bahrupal Sajwani, Aged About 67 Years R/o Sindhi Colony Road, Near Dhan Gurunanak Darbar, Jarhabhatha, Bilaspur, Tahsil And District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
4. The Rent Control Authority, Bilaspur, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh
5. Shri Ajit Pujari, Rent Controller, Bilaspur, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh ---- **Respondents**

For the Petitioners	:	Mr. Rahul Mishra, Advocate
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Respondent/State	:	Mr. Ashish Tiwari, Govt. Advocate
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S.B.- Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

24-11-2021

1. Heard on petition.
2. It is submitted by the counsel for the petitioners, that this petition has been brought on two grounds, firstly that the respondent no. 5 has no jurisdiction to entertain the eviction case No. 19/A-90(7)/19-20, and the second ground raised is that the prayer for amendment of the petitioner/non-applicant was allowed, however, the prayer for framing of additional issues have been denied.
3. After arguing for some time, counsel for the petitioner submits that he would not press upon the ground with respect to the jurisdiction of the respondent No.5 and the petition may be disposed off by passing an order on the prayer for framing of additional issues which were necessary on the basis of amendment already incorporated in the reply filed by the petitioner.
4. State counsel opposes the submission.
5. Considered on the submission and perused the documents filed along with the petition. Taking into consideration the submission made by the counsel for the petitioner, this petition is now treated as petition under Article 227 Constitution of India and disposed off. The learned Rent Control Authority, Bilaspur is directed to give fresh consideration on the application filed by the petitioner dated 04.10.2021 praying for framing additional issues in the light of the amendment which have incorporated in the reply of the petitioner and take decision in accordance with the law.
6. The application filed on 04.10.2021 stands restored and it is ordered that further proceeding in the case shall be taken up only

after the application is considered and decided by the Rent Controlling Authority.

7. With these observations, the petition stands disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Santosh