CGHC010402122026 2026:CGHC:44172

NAFR

RUCHI YADAV Digitally signed by RUCHI YADAV

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 5232 of 2026

1 - Smt. Pushpa Patel W/o Late Awadh Prasad Patel Aged About 62 Years R/o Village Birkol, Tehsil Saraipali, District Mahasamund Chhattisgarh

... Petitioner(s)

versus

1 - State of Chhattisgarh Through The Collector, Mahasamund, District Mahasamund Chhattisgarh

2 - Sub-Divisional Officer (Revenue) Cum Rent Controller, Saraipali, District Mahasamund, Chhattisgarh

3 - Birendra Patel S/o Late Shraddharam Patel, Aged About 53 Years R/o Village Sanpadhi, Tehsil Saraipali, District Mahasamund, Chhattisgarh

4 - Smt. Geeta Patel Aged About 50 Years R/o Village Behind Akashwani Bhawan, Saraipali, Tehsil Saraipali, District Mahasamund, Chhattisgarh

... Respondent(s)

(Cause title taken from CIS Periphery)

For Petitioner(s)	:	Ms. Poulami Das, Advocate
For Respondent/State	:	Mr. Sangharsh Pandey, G.A., appears on advance copy

SB: Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

13/10/2026

1. By way of this petition, the petitioner has prayed for following reliefs:-

> “10.1 That, the Hon'ble Court may graciously be pleased to issue writ/order/direction, thereby quashing and setting aside the impugned orders dated 09.04.2026 and 22.04.2026 passed by the Respondent No.2 in Case No. 202608120500084/A/90(6) Year 2025-26 'Smt. Pushpa Patel vs. Virendra Patel and another' (Annexure P/1), in accordance with law;
>
> 10.2 That, the Hon'ble Court may graciously be pleased to issue writ/order/direction, thereby directing the Respondent No. 2 to expeditiously execute and give effect to the order dated 26.06.2025 passed in Case No. 202411120500021-A/90, in accordance with law;
>
> 10.3 That, the Hon'ble Court may graciously be pleased to issue a writ/order/direction, thereby directing Respondent No.2 to take appropriate consequential steps for delivery of vacant possession of the disputed premises to the petitioner and recovery of the amount directed to be paid under the order dated 26.06.2025;
>
> 10.4 That, any other relief/order/direction which this Hon'ble Court may deem fit and just in the facts and circumstances of the case, including the cost of the petition.”

2. Learned counsel appearing for the petitioner submits that the present petition has been filed seeking execution of the order dated 26.06.2025 passed by the Rent Controlling Authority-cum-Sub-Divisional Officer, Saraipali, District Mahasamund (C.G.), whereby an order of eviction was passed under the Chhattisgarh Rent Control Act, 2011 along with a direction for payment of the arrears of rent. Learned counsel for the petitioner further submits that although the aforesaid order was passed on 26.06.2025, till date, the petitioner has neither been handed over

possession of the premises nor has the amount of rent directed to be paid by the learned Rent Controlling Authority been deposited.

3. Learned State counsel submits that, from the reliefs sought in the petition, it appears that the petitioner is seeking execution of the order dated 26.06.2025 and, therefore, she is required to file an appropriate application before the concerned Rent Controlling Authority-cum-Sub-Divisional Officer, Saraipali, District Mahasamund (C.G.). It is further submitted that the present petition is not maintainable for the relief sought.

4. Having heard learned counsel for the parties and having perused the order passed by the Rent Controlling Authority-cum-Sub-Divisional Officer, Saraipali, District Mahasamund (C.G.), it appears that the petitioner has filed the present petition seeking execution of the aforesaid order. This Court, in exercise of its writ jurisdiction under Article 226 of the Constitution of India, cannot undertake execution of the said order. The petitioner is required to approach the concerned Rent Controlling Authority or such other competent authority having jurisdiction, in accordance with law, for execution of the order dated 26.06.2025. If the petitioner is aggrieved by any further order passed by the competent authority, she may avail the appropriate remedy available to her in accordance with law.

5. Accordingly, the present petition is **dismissed.**

Sd/-

(Amitendra Kishore Prasad)

Judge

Ruchi