

① (B) C.S. 102

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CHHATTISGARH)

WRIT PETITION No. 3629 OF 2004

PETITIONER :

Kumesh Kumar Jain, Prop: M/s. Woodworld
(Furniture Shop) near O.C.M. chowk,
Ahmed colony, Nalgaur chowk, Raipur,
Tah: & Dt: Raipur (C.G).

Vs.

RESPONDENTS :

1. Manoharlal, aged about 60 years,
son of late Nanakram Anuja.

2. Prakashlal Anuja, aged about 48 years,
son of late Nanakram Anuja.

Both residents of house No. 471, near
O.C.M. chowk, Ahmed colony, Nalgaur
chowk, Raipur, Tah. & Dt: Raipur (C.G)

P.P. No. 3552/04
Presented by Shri. Shailendra Phuyi
dated 27-2-2004

WRIT PETITION UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA.

(52)

आदेश पत्रक

मामला क्रमांक W.P. 3629/ जन 2004

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	24.12.2004 On a mention being made, the case is taken up for hearing. Smt. Anju Ahuja, counsel for the petitioner. By this writ petition under Article 227 of the Constitution of India, the petitioner has questioned the legality, propriety and correctness of the order dated 4th August, 2004 (Annexure P-5), passed by the 4th Additional District Judge, Raipur, whereby the learned trial Court after determining the arrears of rent under Section 13 (6) of the Chhattisgarh Accommodation Control Act, directed the petitioner herein to deposit the rent from the month of February, 2004, at the rate of Rs.6,000/- per month in the Court. Brief facts leading to filing of this writ petition as borne out from the record, are that the petitioner herein took the disputed premises on rent from one Late Nanakram Ahuja, and during the tenancy Late Nanakram Ahuja expired leaving behind the respondents herein and one Sunil Ahuja, his sons. As the petitioner failed to pay the rent, the respondents gave a notice to him to pay the rent of the disputed premises. However, the petitioner failed to pay the rent, as a result of which the respondents filed a suit under the Chhattisgarh Accommodation Control Act for eviction and arrears of rent. The petitioner herein filed a written statement with the averments that he has paid rent to Sunil Ahuja, one of the sons of Late Nanakram Ahuja and the brother of the plaintiffs, later on he has also purchased the disputed premises from Sunil Ahuja and he is not the tenant	

(53)

आदेश पत्रक

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	- 2 -	
	of the plaintiffs, the respondents herein. The learned Additional District Judge vide the impugned order determined the rent and directed the petitioner to deposit the same. Being aggrieved by this order, the petitioner has preferred this writ petition. I have heard learned counsel for the petitioner on the question of admission. Learned counsel for the petitioner submits that since the petitioner has disputed the tenancy and taken stand that he was the tenant of Sunil Ahuja, the brother of the respondents, and he has purchased the disputed premises, therefore, in the circumstances, the trial Court ought not to have determined the rent unless it is proved that the petitioner herein is the tenant of the respondents. But, I do not find any substance in this argument for the reason that the respondents, claiming themselves as landlords being sons and legal heirs of Late Nanakram Ahuja from whom the petitioner herein took the disputed premises on rent, filed a suit for arrears of rent and eviction of the land on the ground of default. Therefore, on the basis of pleadings of suit the trial Court has rightly determined the rent and directed the petitioner herein to deposit the rent. This direction is in consonance with the provisions of sub-section (3) of Section 13 of the Chhattisgarh Accommodation Control Act. As such, I do not find any illegality and infirmity in the impugned order. In the circumstances, the writ petition is dismissed at the admission stage itself. No costs.	
		Sd/- L.C. Bhadoo Judge