



2026:CGHC:23521-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P(C) No.2740 of 2026

Mohan Lal Bajaj S/o Late Devandas Bajaj Aged About 70 Years
Address -Shop No.09, Shivay Complex, Gudaku Line,
Rajnandgaon (C.G.) **... Petitioner**

versus

1 - Shiv Kumar Chourasia Aged About 70 Years, S/o Late Prem
Kishore Chourasia, Resident Of -Gadakhu Line, Ward No.25,
Rajnandgaon, District -Rajnandgaon (C.G.)

2 - Ramesh Kumar Chourasia, S/o Late Prem Kishore Chourasia,
Aged About 54 Years Resident Of -Gadakhu Line, Ward No.25,
Rajnandgaon, District -Rajnandgaon (C.G.) **... Respondents**

(Cause-title taken from Case Information System)

For Petitioner : Mr. Rakesh Kumar Thakur, Advocate.
For Respondents : Mr. Amit Buxy, Advocate on caveat.

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Bibhu Datta Guru, Judge
Order on Board

Per Ramesh Sinha, Chief Justice

02.06.2026

1. Heard Mr. Rakesh Kumar Thakur, learned Advocate
appearing for the Petitioner. Also heard Mr. Amit Buxy, learned
Advocate appearing for the Respondents on caveat.



2. The Petitioner has sought for the following reliefs:-

10.1] That, this Hon'ble Court may kindly be pleased to call for the entire records in respect of the present case.

10.2] That, this Hon'ble Court may kindly be pleased to issue a writ/writs, direction/directions, order/orders and quash the impugned order passed Order dated 24-10-2024 (P-6) passed by the Rent Control Authority Rajnandgaon (CG) in Case No. 202206094300002/ A-90/Year 2022 between Shiv Kumar Chourasiya and Anoth. Vs Mohanlal Bajaj and Order dated 22- 04-2026 (P-11) passed by the Rent Control Tribunal Raipur (CG) in Appeal No. 58-A/Year 2024 between Mohanlal Bajaj Vs Shiv Kumar Chourasiya and Anoth.

10.3] That, this Hon'ble Court may kindly be pleased to grant any other relief(s), which is deemed fit and proper in the aforesaid facts and circumstances of the case."

3. Necessary facts for adjudication of the present Petition are that Respondents herein i.e. Shiv Kumar Chourasia and Ramesh Kumar Chourasia, owners of Shop No. 09, Shivay Complex, Rajnandgaon, filed an eviction application under Section 12(2) read with Schedule-II, Serial No. 11(G) of the C.G. Rent Control Act, 2011 seeking eviction of the Petitioner, a tenant for about 37 years running a hosiery business at a monthly rent initially stated as Rs.8,000/- on the grounds of *bona fide* requirement for expansion of their plastic goods business and non-availability of any other suitable premises, after issuing a termination notice dated 03.11.2021. The Respondents admitted tenancy but contested the claim, asserting that under an agreement dated 24.03.2017, he had a renewed tenancy after reconstruction of the shop, had paid a security deposit of Rs.3 lakhs, was regularly paying enhanced rent



through RTGS (now Rs.9,200/-). The Rent Controller, Rajnandgaon allowed the eviction on 24.10.2024 and the Rent Control Tribunal dismissed the tenant's Appeal on 22.04.2026, leading to the present Writ Petition challenging both orders on the ground of non-consideration of evidence and application under Order XLI Rule 27 CPC.

4. Learned Counsel for the Petitioner submits that the impugned orders passed by the Rent Control Authority, Rajnandgaon and the Rent Control Tribunal, Raipur are vitiated for non-consideration of material facts, evidence and settled legal principles laid down by the Hon'ble Supreme Court and various High Courts. It is contended that the authorities failed to appreciate that an earlier eviction proceeding between the parties was withdrawn on 24.03.2017 in terms of a written agreement dated 23.03.2017, wherein the parties had mutually agreed that the Petitioner would vacate the premises for reconstruction of Shivay Complex upon payment of Rs. 3 lakh as advance and thereafter would be allotted a shop in the newly constructed complex. It is further contended that pursuant to this arrangement, possession was handed over in 2019 and the Petitioner had invested substantial amounts in furnishing the shop, but soon thereafter the present eviction proceedings were initiated, particularly after the COVID period, reflecting misuse of process. It is further submitted that the



Respondents possess 14 shops in Shivay Complex, some of which are vacant, which was admitted in cross-examination by the power of attorney holder, thereby negating any *bona fide* requirement and indicating a motive to extract higher rent and the Tribunal failed to consider the application under Order XLI Rule 27 CPC seeking to bring on record photographs showing availability of vacant shops, which was crucial for a just adjudication. He, therefore, prays to allow the Petition.

5. On the other hand, learned Advocate appearing for the respondents supports the impugned orders and further pointed out that in pursuance of the impugned order passed by the appellate Court, the security amount of Rs. 3 lakhs was offered, but the petitioner has refused to accept the same.

6. We have heard learned Counsel for the parties and perused the entire record.

7. The Petitioner has failed to demonstrate any material non-consideration of evidence or misapplication of law. The findings regarding *bona fide* requirement of the Respondents, absence of alternative suitable accommodation and rejection of the Petitioner's defence based on alleged agreement dated 23.03.2017 and subsequent arrangements are findings of fact based on proper appreciation of evidence, which do not call for interference in writ jurisdiction. Similarly, the plea regarding availability of other shops



and alleged admission of the power of attorney holder has been duly considered and does not render the impugned orders perverse. The contention relating to non-consideration of application under Order XLI Rule 27 CPC also does not disclose any material irregularity affecting the final conclusion.

8. According to **Section 12(2)** of the **Chhattisgarh Rent Control Act, 2011**, *“Every landlord shall have rights according to Schedule 2. The Tribunal and Rent Controller shall act at all times to secure to the landlord these rights Provided that: (a) In case of any clash of interests of the landlord and the tenant, and/or any point of doubt in respect of matters relating to rent, the benefit thereof shall be granted to the tenant, (b) In case of any clash of interests of the landlord and the tenant, and/or any point of doubt in respect of matters relating to returning possession of the accommodation to the tenant, benefit thereof shall be granted to the landlord.”*

9. In view of above, this Court finds no illegality, perversity or jurisdictional error in the concurrent findings recorded by the Rent Control Authority, Rajnandgaon and the Rent Control Tribunal, Raipur warranting interference under Article 226 of the Constitution of India.



10. Resultantly, we find no merit in the present Petition, which is accordingly **dismissed**. The pending applications, if any, also stand **disposed of**.

Sd/-
(Bibhu Datta Guru)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice