



2026:CGHC:11537-DB

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HIGH COURT OF CHHATTISGARH AT BILASPUR**Order reserved on 28-02-2026****Order delivered on 11-03-2026****WPC No. 1752 of 2023**

Smt. Halima Begam W/o Shri Rafiq Ahmad Aged About 57 Years R/o Bhim Nagar, Ambedkar Chowk Raipur, Tehsil And District Raipur, Chhattisgarh. Through Power Of Attorney Holder Abdul Razik Ahmad, S/o Shri Rafiq Ahmad, Aged About 37 Years, R/o Bhim Nagar, Ambedkar Chowk Raipur, Tehsil And District Raipur, Chhattisgarh.

... Petitioner(s)**versus**

1. Rafiq Ahmad S/o Late Nazir Ahmad Aged About 65 Years R/o Bhim Nagar, Ambedkar Chowk Raipur, Tehsil And District Raipur, Chhattisgarh.
2. Mustak Ahmad S/o Late Nazir Ahmad Aged About 56 Years R/o (Ahmad Manzil), Aamapara Chowk, In Front Of Lakhe Nagar Road, Nagar Nigam Complex, Raipur, Tehsil And District Raipur, Chhattisgarh.
3. Mumtaz Ahmad S/o Late Nazir Ahmad Aged About 54 Years R/o (Ahmad Manzil), Aamapara Chowk, In Front Of Lakhe Nagar Road, Nagar Nigam Complex, Raipur, Tehsil And District Raipur, Chhattisgarh.
4. Rustam Ahmad S/o Late Nazir Ahmad Aged About 52 Years R/o (Ahmad Manzil), Aamapara Chowk, In Front Of Lakhe Nagar Road, Nagar Nigam Complex, Raipur, Tehsil And District Raipur, Chhattisgarh.
5. Ibrahim S/o Late Nazir Ahmad Aged About 50 Years R/o (Ahmad

Manzil), Aamapara Chowk, In Front Of Lakhe Nagar Road, Nagar Nigam Complex, Raipur, Tehsil And District Raipur, Chhattisgarh.

6. Anwar S/o Late Nazir Ahmad Aged About 45 Years R/o (Ahmad Manzil), Aamapara Chowk, In Front Of Lakhe Nagar Road, Nagar Nigam Complex, Raipur, Tehsil And District Raipur, Chhattisgarh.

... **Respondent(s)**

For Petitioner : Mr. Manoj Pranjpe, Senior Advocate along with
Mr. Arpan Verma, Advocate

For Respondent : Ms. Aditi Singhvi, Advocate
No. 1

For Respondents : Mr. Ratnesh Agrawal, Advocate
No. 2 to 6

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Bibhu Datta Guru, Judge

C A V Order

Per Bibhu Datta Guru, Judge

1. Heard Mr. Manoj Paranjpe, Senior Advocate along with Mr. Arpan Verma, learned counsel for the petitioner. Also heard Ms. Aditi Singhvi, learned counsel for Respondent No. 1 and Mr. Ratnesh Kumar Agrawal, Counsel for Respondents No. 2 to 6.
2. The present writ petition has been filed by the petitioner with the following prayers:

“ 1. That, this Hon'ble Court may kindly be pleased to issue a writ/writs, order/orders, direction/directions quashing the order passed by the Rent Control Tribunal dated 24.03.2023 passed in Appeal No. 35A/2022 and the Hon'ble Court may kindly be pleased to quash the order dated 24.05.2022 passed by the Rent Control

Authority and the application preferred by the petitioner under Section 12(2) read with Schedule 2 of Chhattisgarh Rent Control Act, 2011 may kindly be allowed.

2. 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. The aforesaid challenge has been made on the following factual backdrop :-

(a) The petitioner/ landlord instituted proceedings before the Rent Control Authority under Section 12(2), Schedule II of the Chhattisgarh Rent Control Act, 2011 seeking eviction of the respondents from the tenanted premises and recovery of arrears of rent. The said proceedings were filed on 24.09.2015 stating that, the property situated at Amapara, presently Ward Tatyapara, Raipur, bearing House Nos. 583 to 586 admeasuring approximately 3000 sq. ft., originally belonged to Sant Dayal and Radhabai. On partition they obtained 1500 sq.ft. each. The disputed shop measuring 14 x 20 (280 sq. ft.) fall in the share of Radhabai. The petitioner herein purchased the said share of Radhabai by a registered sale deed dated 14.02.2000 and thereby became the owner of the land of 1500 sq.ft., which includes the

disputed shop. It is further the case of the petitioner that late Nazir Ahmad, who is her father-in-law and father of respondent No. 1 to 6 herein, had taken the disputed shop on rent in the year 1977–78 from the previous owner at a monthly rent of Rs.110/- and was running a grocery business therein under the name “Ahmed Kirana Stores.” After his demise, the respondents, being his legal heirs, continued in possession of the disputed shop and carried on business therein. Upon purchase of the property by the petitioner, the respondents became her tenants by operation of law. The petitioner has averred that the respondents failed to pay rent regularly and that arrears for the preceding three years at the rate of Rs.110/- per month had accumulated, amounting to Rs.3,960/- along with interest. A legal notice dated 04.02.2015 was issued by the petitioner through registered post demanding vacant possession of the disputed shop and payment of arrears of rent. Though the respondents, in their reply dated 15.04.2015, admitted the tenancy of late Nazir Ahmad and their continued occupation after his death, they disputed the petitioner’s ownership by raising objections to the sale deed dated 14.02.2000. The petitioner denied such objections and asserted her exclusive ownership over the property. It is stated that despite service of notice and expiry of six months therefrom, the respondents neither handed over vacant possession nor

paid the arrears of rent. On these averments, the petitioner approached the Rent Control Authority seeking eviction of the respondents from the disputed shop and recovery of arrears of rent with interest.

(b) In their written statement before the Rent Control Authority, the respondents primarily contended that the parties belong to the same family and that the present dispute is essentially a family dispute given the colour of a landlord-tenant matter. They denied the exclusive ownership of the applicant over the property in question and asserted that the property is joint family property of late Nazir Ahmad and his legal heirs. Though admitting that late Nazir Ahmad was a tenant under the original owner Radhabai, the respondents denied that any landlord-tenant relationship ever came into existence between them and the petitioner. They alleged that the sale deed dated 14.02.2000 was obtained in the name of the petitioner by a family member i.e. respondent No.1 (husband of petitioner) out of joint family income and without the consent of other members, and therefore the petitioner cannot claim independent title. On these grounds, asserting absence of landlord-tenant relationship and existence of a family dispute regarding title, the respondents sought dismissal of the proceedings.

(c) The Rent Controller, upon consideration of the pleadings and evidence, rejected the claim of the petitioner by order dated 24.05.2022. It was observed that although respondent No. 3 admitted that late Nazir Ahmad was a tenant under the erstwhile owner Radhabai and that after his death the business devolved upon his legal heirs (including the petitioner's husband), the respondents had specifically denied any landlord-tenant relationship with the petitioner. The Authority further noted that, despite claiming ownership of the disputed shop, the petitioner failed to produce any documentary evidence, such as a rent agreement or other material, to establish that the respondents were her tenants. In the absence of proof of a subsisting landlord-tenant relationship between the parties, the Authority concluded that the petitioner had failed to prove her case and accordingly dismissed the application for eviction and arrears of rent.

(d) Feeling aggrieved by the order passed by the Rent Controller, the petitioner preferred Appeal No. 35A/2022 under Section 13 of the Act, while the respondents filed Appeal No. 37A/2022 challenging the finding regarding ownership. The Appellate Tribunal, upon reappraisal of the material available on record by its order dated 24.03.2023, held that the grounds raised by the parties in their respective appeals were not substantiated. It was

observed that no case for interference with the order passed by the Rent Control Authority was made out. Accordingly, Appeal No. 35-A/2022 filed by the petitioner was dismissed. Similarly, Appeal No. 37-A/2022 filed by respondent was also dismissed, holding that both the parties had failed to prove their case.

Aggrieved by the orders passed by the Rent Controller and the Tribunal, the petitioner herein preferred this petition.

4. (A) Learned Senior counsel appearing for the petitioner submits that the impugned orders passed by the Rent Control Authority and affirmed by the Rent Control Tribunal are illegal, erroneous and contrary to the provisions of law and material available on record. It is submitted that both the authorities have failed to properly appreciate the categorical admissions made by the respondents in their written reply as well as in their evidence, wherein they admitted that the disputed shop was originally let out by Radha Bai to their predecessor, Nazir Ahmad, and that they are continuing in possession after his death. In view of such clear admission, the finding that the relationship of landlord and tenant is not proved is perverse and unsustainable. Learned counsel further submits that both the authorities have failed to appreciate the true import and effect of Section 109 of the Transfer of Property Act, 1882, which clearly provides that the transferee of the lessor steps into the shoes of the original landlord and is

entitled to all rights of the lessor, including the right to seek eviction and recover arrears of rent. It is further contended that the finding of the Rent Controller, that the landlord-tenant relationship is not proved merely on the ground of absence of a written rent agreement between the petitioner and the respondents is wholly unsustainable in law. Once ownership of the petitioner and the original tenancy under Radha Bai were admitted, the petitioner, being successor-in-interest, automatically acquired the status of landlord.

(B) It is submitted that the learned Tribunal has failed to consider that the object of the Act of 2011 is to regulate landlord-tenant relationship and not to defeat legitimate rights of a landlord on mere technicalities. The reasoning that absence of a rent agreement disentitles the petitioner from seeking eviction is contrary to the scheme and object of the Act. Learned counsel submits that after recording findings that Radha Bai was the original landlord, that she had sold the property to the petitioner, and that Nazir Ahmad was her tenant, the authorities below ought to have held that the petitioner, as transferee landlord, is entitled to enforce the tenancy rights and seek eviction and arrears of rent. It is thus submitted that the findings with regard to non-existence of landlord-tenant relationship are contrary to admissions on record, contrary to Section 109 of the Transfer of Property Act, 1882, and contrary to the object and scheme of the Chhattisgarh Rent Control Act, 2011. The impugned orders, being

perverse and contrary to law, are liable to be set aside.

(C) Learned counsel places reliance upon the judgment of the **Utsav Dey Vs. Sushil Kumar Bhadraja passed in W.P.227 No. 2/2018** decided on 09.08.2018, wherein it has been held that non-compliance of Section 4 of the Chhattisgarh Rent Control Act, 2011, regarding filing or registration of tenancy agreement, does not entail dismissal of eviction proceedings. It has been clearly observed that the Act of 2011 does not provide any fatal consequence for non-registration of agreement and the object of the Act cannot be defeated on such technical ground. He also placed reliance in the case of **Mahanti Shikshan Samiti & Ors. Vs. Smt. Vasanti Vasudev Bhagdikar & Anr.** (WP227 No. 248 of 2025 decided on 07.10.2025) and other connected matter and **Shrawan Kumar Saraf Vs. Ravikant Mishra & Ors.** (WPC No. 650 of 2020 decided on 18.07.2022) by which this Court observed that non compliance of Section 4 of the Rent Control Act shall not debar the land lord to pursue petition for eviction. Learned counsel would submit that both the matters also travelled up to Supreme Court, wherein the Supreme court disposed off the petitions directing the tenants to vacate the premises and hand over the vacant and peaceful possession to the landlord.

5. (i) Learned counsel for the respondents No.2 to 6, countering the aforesaid contention of the petitioner, submits that the present petition is devoid of merit and the impugned orders passed by the

learned Rent Control Authority and affirmed by the learned Rent Control Tribunal are well reasoned, based on proper appreciation of evidence, and do not call for interference under Article 227 of the Constitution of India. It is submitted that though the petitioner claims to have purchased the disputed shop by registered sale deed dated 14.02.2000, the respondents have consistently taken the stand that the property was purchased in the name of the petitioner from the joint income of Ahmed Kirana Store and, therefore, the respondents are co-owners in possession. The said fact was specifically disclosed in reply to the legal notices dated 22.10.2014 and 04.02.2015, and the petitioner has suppressed material facts in earlier proceedings.

(ii) The respondents have categorically denied the existence of any landlord-tenant relationship between the parties and have specifically stated in reply to notice dated 04.02.2015 that they are not tenants but are in possession as co-owners. Therefore, the foundational requirement under Sections 2(5) and 2(14) of the Chhattisgarh Rent Control Act, 2011 has not been established. Further, after enactment of the Act of 2011, Section 4 mandates filing of tenancy agreement before the Rent Controller; however, no rent agreement or rent receipt has been produced, and there is no documentary evidence showing payment of rent by the respondents to the petitioner, which supports the concurrent finding that no landlord-tenant relationship exists.

(iii) Learned counsel further submits that the petitioner herself did not enter the witness box and instead examined her son as power of attorney holder, who is incompetent to depose regarding matters within the personal knowledge of the principal. Reliance is placed upon the judgment of the Hon'ble Supreme Court in **Mohinder Kaur v. Sant Paul Singh reported in (2019) 9 SCC 358** wherein it has been held that failure of a party to enter the witness box may give rise to adverse presumption. It is also submitted that respondent No. 3 had instituted Civil Suit No. 106-A/2016 for declaration of title, which was dismissed by judgment and decree dated 06.11.2023, and First Appeal No. 18/2024 is pending consideration before this Court, and therefore summary proceedings under the Rent Control Act are not appropriate.

(iv) Learned counsel contends that Section 109 of the Transfer of Property Act, 1882 is not attracted in absence of proof of tenancy. Reliance is also placed upon **Onkar Prasad Sajwani v. Chhattisgarh Rent Control Tribunal** (WPS No. 5576 of 2022 decided on 11.09.2024). It is lastly submitted that both authorities have concurrently held that the petitioner failed to establish landlord-tenant relationship, and such findings of fact do not warrant interference in writ jurisdiction. Hence, the writ petition deserves to be dismissed.

6. We have heard learned counsel for the parties and perused the material available on record.

7. On perusal of the judgment passed by the Rent Control Authority, it is evident that the Rent Control Authority framed the following issues for adjudication: (i) whether the disputed accommodation was purchased by the petitioner and whether she is its owner; (ii) whether there exists a relationship of landlord and tenant between her and the respondents; (iii) whether, despite service of statutory notice, the respondents failed to deliver vacant possession and pay arrears of rent; and (iv) whether the petitioner is entitled to eviction and recovery of arrears.
8. While deciding Issue No. 1, the Authority recorded a categorical finding that the petitioner had proved her ownership over the disputed premises on the basis of the registered sale deed dated 14.02.2000 and the documentary evidence adduced on record. However, in respect of Issue No. 2, the Authority also took note of the fact that both the parties belong to the same family. It was not in dispute that late Nazir Ahmad, father-in-law of the petitioner, was the original tenant under the previous owner Radha Bai and that, after the death of said Nazir Ahmad, his legal heirs continued in possession of the shop in dispute. The record further reflected that the husband of the petitioner, respondent No.1 herein, was also one of the legal heirs of late Nazir Ahmad, and thus the parties are closely related and claiming through the same predecessor. Although the petitioner established her ownership over the disputed shop by virtue of the registered sale deed dated 14.02.2000, both the Rent Control Authority and the Tribunal

observed that mere ownership, particularly in the backdrop of a family relationship and succession to the business by the heirs of the original tenant, does not automatically establish a jural relationship of landlord-tenant. In the absence of clear evidence of attornment, payment of rent, or any documentary proof e.g. rent agreement or rent receipts demonstrating that the respondents recognized the petitioner as the owner of the shop in dispute, the Court rightly held that the relationship of landlord-tenant does not exist between the parties herein. In so far as Issue No. 3 is concerned, the Authority held that the statutory notice under Section 12(2) of the Chhattisgarh Rent Control Act was duly served upon the respondents. Nevertheless, in view of the negative finding on Issue No. 2 regarding the absence of landlord-tenant relationship, the Authority answered Issue No. 4 against the petitioner and concluded that she was not entitled to a decree of eviction or recovery of arrears of rent. On this reasoning, the application was dismissed.

9. Upon consideration of the impugned order and the material available on record, this Court finds that the Appellate Tribunal has rightly affirmed the findings of the Rent Control Authority. In Appeal No. 35-A/2022, filed by Halima Begum, the Tribunal observed that although the petitioner relied upon the sale deed dated 14.02.2000 to assert ownership, no cogent evidence was produced to establish the existence of a landlord-tenant relationship with the respondents. The record reflected that for

nearly 15 years after the alleged purchase no rent was demanded, nor was any notice issued treating the respondents as tenants. Even the notice dated 04.02.2015 claimed rent only for the preceding three years. In absence of proof of attornment or payment of rent, the finding that the tenancy was not established was held to be justified. Even the petitioner is the daughter-in-law of Nazir Ahmed and the family members of Nazir Ahmed were in possession and operating a General Store. The relationship of the petitioner with the respondents is also having importance to decide the landlord tenant relation. Thus, in absence of proof regarding landlord-tenant relationship and the pendency of appeal before this Court bearing FA No.18 of 2024 regarding the same issue, the petition of eviction itself is not maintainable.

10. It is also necessary to mention here that in Appeal No. 37-A/2022, preferred by the respondent herein, the Tribunal found that the determination of ownership was based on the registered sale deed and evidence on record, and that no jurisdictional error or illegality was committed in deciding the issues framed. The objections regarding Issue Nos. 1, 3 and 5 were found to be without merit. Consequently, both appeals were dismissed.
11. Further, proceedings under Section 12(2) read with Schedule II of the Chhattisgarh Rent Control Act, 2011 are maintainable only where the foundational requirement of existence of a "landlord" and "tenant", as defined under Sections 2(5) and 2(14) of the Act

of 2011, is established. The burden to prove such relationship squarely lies upon the petitioner who seeks eviction and recovery of arrears of rent.

12. In the present case, though the Rent Control Authority recorded a categorical finding that the petitioner had proved her ownership over the disputed premises on the basis of the registered sale deed dated 14.02.2000, it concurrently held that the petitioner failed to establish that the respondents were her tenants. The Authority specifically noticed absence of any rent agreement, rent receipt, proof of payment of rent, or evidence of attornment in favour of the petitioner after the alleged purchase. It was further observed that for nearly fifteen years after the purchase no rent was demanded, and even the notice dated 04.02.2015 claimed arrears only for the preceding three years. On such appreciation of evidence, Issue No. 2 relating to landlord–tenant relationship was decided against the petitioner, resulting in dismissal of the application.
13. It is evident from the record that the authorities below have not rejected the claim of the petitioner merely on the ground of non-production of a rent receipt or rent agreement. On the contrary, the Rent Control Authority, upon a comprehensive appreciation of the pleadings and evidence, examined all relevant aspects pertaining to the alleged landlord–tenant relationship and recorded a finding that the same was not established in

accordance with law. While doing so, the Authority also took note of the fact that the dispute between the parties substantially relates to ownership and title over the property in question. In this backdrop, and particularly in view of the pendency of the First Appeal before this Court arising out of the civil proceedings concerning title, the statutory authorities declined to grant the relief sought under the summary provisions of the Rent Control Act. The Appellate Tribunal, upon reappraisal of the material, concurred with the said reasoning and found no justification to interfere.

14. The Supreme Court in the matter of **Deepak Tandon & Anr. Vs. Rajesh Kumar Gupta** reported in **(2019) 5 SCC 537** has held that concurrent findings recorded of the facts of two courts below are binding on the writ court and it is not open to interference in the writ jurisdiction by this court.
15. Further as in view of the pendency of the First Appeal before this Court bearing FA No.18 of 2024 arising out of the civil suit concerning title, and in light of the concurrent findings recorded by the statutory authorities regarding absence of proof of landlord-tenant relationship as contemplated under Sections 2(5), 2(14) and 12(2) of the Act of 2011, this Court is of the opinion that no interference is warranted in exercise of supervisory jurisdiction under Article 227 of the Constitution of India.

16. It is well settled that where issues relating to title are pending adjudication before the competent civil court, and the statutory authorities have recorded concurrent findings on factual aspects, this Court would not reappreciate evidence or disturb such findings in writ jurisdiction. Any observation made in the present proceedings shall not prejudice the rights of the parties in the pending First Appeal.
17. Accordingly, the writ petition stands dismissed, leaving it open to the parties to pursue their remedies in the pending First Appeal, if so advised.
18. No order as to costs.

Sd/-
(Bibhu Datta Guru)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice

Head Note

Where a dispute relating to title of property is pending before the competent civil Court and the statutory authorities have recorded a concurrent finding on factual aspect, the writ Court should not disturb such finding in its jurisdiction.