



2026:CGHC:4152-DB

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HIGH COURT OF CHHATTISGARH AT BILASPUR

Order reserved on: 12.11.2025

Order pronounced on: 23.01.2026

WPC No. 2554 of 2024

1 - Deepak Kumar Badholiya, S/o Late Srinivas Badholiya, Aged About 38 Years, R/o Near Brihaspati Bazar Chowk, Bilaspur, District- Bilaspur, Chhattisgarh.

... Petitioner(s)

versus

1 - State of Chhattisgarh Through:- Secretary, Housing And Environment Department, Mantralaya, New Raipur, Chhattisgarh.

2-Collector District- Bilaspur, Chhattisgarh.

3 - Ajit Pujari The Then Deputy Collector, Bilaspur, Chhattisgarh, Presently Posted as Joint Collector, Mungeli, in The O/o District Collector, Mungeli, Chhattisgarh.

4 - Lalita Bhagat the Then Deputy Collector, Bilaspur, Chhattisgarh, Presently Posted as Sub-Divisional Officer (Revenue), Surajpur, District-Surajpur, Chhattisgarh.

5 - Dinkar Rao Silledar S/o Late Krishna Rao Silledar R/o Flat No. 404, Lovina Courts, Nehru Nagar, Mungeli Naka, Tehsil And District- Bilaspur, Chhattisgarh.

6 - Tehsildar, Bilaspur C.G. O/o Sub-Divisional Officer (Revenue), Bilaspur, C.G. Nehru Chowk, Bilaspur, Chhattisgarh.

... Respondent(s)

For Petitioner(s)	:	Mr. Sunil Kumar Soni, Advocate
For Respondents No. 1, 2 & 6	:	Mr. Rahul Tamaskar, Govt. Advocate
For Respondent No. 5	:	Mr. Anup Majumdar and Mr. Vibhor Goverdhan, Advocates

Hon'ble Smt. Justice Rajani Dubey

Hon'ble Shri Justice Amitendra Kishore Prasad

CAV Order

Per Rajani Dubey, Judge

1. By way of this petition, the petitioner seeks following reliefs:-

“(i) That this Court may kindly be pleased to hold that the action on the part of the respondent authorities, especially the manner in which Respondent Nos. 3 and 4

acted and adjudicated the matter without holding a lawful appointment order by the State Government, as mandatorily required under Section 7 of the Chhattisgarh Rent Control Act, 2011, is illegal and void in the eyes of law for want of sanction of law. Consequently, the impugned order dated 08.05.2024 (Annexure-P/10), issued by the Rent Tribunal, is liable to be quashed.

(ii) That this Court may kindly be pleased to direct the respondents to refrain from proceeding with any eviction proceedings.

(iii) That the entire record of the case may kindly be called for, for proper elucidation of the facts of the case.

(iv) That any other relief which this Court deems fit and proper in the facts and circumstances of the case may also be granted in favour of the petitioner.”

2. The facts of the case as mentioned in the petition are that the Respondent No. 5 filed an eviction suit against the petitioner under the provisions of the Chhattisgarh Rent Control Act, 2011. In the said proceedings, an ex parte order was passed against the petitioner on 22.06.2022. Aggrieved by the said ex parte order, the petitioner preferred an application for setting aside the ex parte order.
3. A copy of the eviction suit along with the ex parte order dated 22.06.2022 is annexed herewith as ANNEXURE-P/1 (Colly) and a

copy of the application for setting aside the ex parte order is annexed as ANNEXURE-P/2. After filing the application for setting aside the ex parte order, the petitioner came to know that the said ex parte order was passed by the Deputy Collectors, namely Shri Ajit Pujari and Smt. Lalita Bhagat (Respondent Nos. 3 and 4 respectively), who were not holding any valid appointment order as mandatorily required under Section 7 of the Chhattisgarh Rent Control Act, 2011, which appointment is required to be made exclusively by the State Government. However, in sheer contravention of Section 7 of the Act, the District Collector, Bilaspur (C.G.), deliberately issued a work distribution order/roster, on the strength of which the entire proceedings were conducted by the Deputy Collectors despite the absence of any valid appointment order. When this grave illegality and misfeasance were brought to the notice of the Chhattisgarh Rent Tribunal, Raipur, the said forum paid no heed to the same. Copies of the RTI application dated 27.03.2023 and the information supplied by the Public Information Officer, Office of the Collector, Bilaspur (C.G.), are annexed herewith as ANNEXURE-P/3 and ANNEXURE-P/4 respectively. When similar information was sought from the Public Information Officer, Office of Respondent No. 1, it was replied that no file was found with regard to the appointment order of the Rent Controller, District Bilaspur (C.G.). A copy of the memo dated 25.04.2023 is annexed herewith as ANNEXURE-P/5. Based on the aforesaid information, the

petitioner filed an application under Section 7 of the Chhattisgarh Rent Control Act, 2011, seeking compliance with the said mandatory provision which has replaced the earlier provision contained in Section 28 of the Accommodation Control Act, 1961. A copy of the application filed under Section 7 of the 2011 Act is annexed herewith as ANNEXURE-P/6. Vide order dated 08.09.2023, Respondent No. 4, even without holding a valid appointment order, rejected the said application on the ground that she had no jurisdiction to decide the same. A copy of the order dated 08.09.2023 is annexed herewith as ANNEXURE-P/7. Vide covering memo dated 19.02.2024, relevant information was provided under the Right to Information Act, 2005, regarding the appointment of the Rent Controller, which reveals that after the enforcement of the Chhattisgarh Rent Control Act, 2011, appointment orders for District Bilaspur (C.G.) were issued only twice firstly on 22.08.2015 and secondly on 27.09.2018. After the said dates, no appointment order has ever been issued by Respondent No. 1 till date. This information conclusively proves that the entire proceedings conducted by Respondent Nos. 3 and 4 are without authority of law for want of a valid appointment order. A copy of the covering memo dated 19.02.2024 along with its enclosure is annexed herewith as ANNEXURE-P/8.

The Rent Tribunal failed to consider the core grievance of the petitioner and completely excluded the issue of lack of jurisdiction from the zone of consideration while dismissing the

appeal preferred by the petitioner. Copies of the memo of appeal along with written submissions and the impugned order dated 08.05.2024 are annexed herewith as ANNEXURE-P/9 and ANNEXURE-P/10 respectively. A careful perusal of the information received under the RTI Act clearly reveals that no appointment as required under Section 7 of the Chhattisgarh Rent Control Act, 2011, was ever made in favour of Respondent Nos. 3 and 4. Consequently, the entire proceedings are rendered nugatory and redundant, being hit by the doctrine "*Sublato Fundamento Cadit Opus*" meaning thereby that once the foundation is removed the superstructure falls of its own dead weight. A copy of the relevant provision of Section 7 of the Chhattisgarh Rent Control Act, 2011 is annexed herewith as ANNEXURE-P/11 and a copy of the order dated 10.10.2023 is annexed as ANNEXURE-P/12. It is a settled principle of law that if an action is bad in its inception, it does not get sanctified at a later stage. Any subsequent action or development cannot validate an act which was unlawful from the very beginning as such illegality strikes at the root of the order. No authority is competent to cure or validate an order which is void ab initio.

4. Learned counsel for the petitioner submits that it is a settled and elementary principle of law that where an authority lacks jurisdiction to entertain or decide a matter due to the absence of a valid appointment order, any judgment or order passed by such authority is void *ab initio* and non est in the eyes of law. An

authority which has no power to hear and determine a cause acts in excess of jurisdiction and any decision rendered by it amounts to a usurpation of authority being an exercise of power without the sanction of law, though clothed in the form of legality. It is, therefore, imperative in the interests of justice that such illegality be undone. It is further submitted that where a statute prescribes a particular manner for doing an act, the act must be performed strictly in that manner or not at all. Any deviation therefrom renders the act invalid. Since the respondents have failed to perform the impugned act in the manner prescribed under the relevant statutory provisions, the same is liable to be declared null, void, and unenforceable in the eyes of law.

Reliance has been placed on the decision of Hon'ble Supreme Court in the matter of **Kiran Singh and others Vs. Chaman Paswan and others, AIR 1954 SC 340; Rao Shiv Bahadur Singh And Another Vs. The State of Vindhya Pradesh, AIR 1953 SC 394; Deep Chand Vs. The State of Rajasthan; 1961 AIR 1527; State of UP Vs. Singara Singh and others, AIR 1964 SC 358; Municipal Corporation of Greater Mumbai Vs. Anil Shantaram Khoje & Ors. Civil Appeal No. 2918/2014; Shri Ram B. Dhus Vs. Shri Anil Shantaram Khoje & Ors., Civil Appeal No. 2919/2014** and this Court's order dated **08.02.2024** passed in **Writ Appeal (Civil) No. 4892 of 2023** and other connected matters, titled **Pramod Agrawal v. Kailash Kumar Agrawal**.

5. Learned counsel appearing for respondent Nos. 1, 2 and 6 submits that the contention raised by the petitioner regarding the alleged incompetence of the authorities who functioned as the Rent Controlling Authority is wholly misconceived. It is humbly submitted that the respondents who acted as the Rent Controlling Authority under the provisions of the Act of 2011 were not only duly competent to discharge such functions, but were also specifically authorized by the District Collector in that regard. It is further submitted that the orders passed by respondent Nos. 3 and 4 cannot be held to be invalid or bad in law merely on the ground of alleged non-compliance with Section 7 of the Act, which, at best, is procedural in nature and amounts to a mere formality. The respondents Nos. 3 and 4 acted as Rent Controlling Authority pursuant to a valid distribution order/roster, and such mode of allocation of work does not vitiate their jurisdiction or render the orders passed by them a nullity, nugatory or redundant. Accordingly, the orders passed by respondent Nos. 3 and 4 are legal, valid and sustainable in law and do not warrant any interference by this Court on the grounds urged by the petitioner in the writ petition. The petition, being devoid of merit, is therefore liable to be dismissed.
6. Learned counsel appearing for respondent No. 5 submits that the present writ petition and the reliefs sought therein are not tenable in the eyes of law and are highly misconceived. It is contended that the instant petition is not maintainable, inasmuch as the

impugned order is founded upon concurrent findings of fact, which are not amenable to interference in the exercise of writ jurisdiction. The principal ground of challenge raised by the petitioner pertains to the alleged lack of jurisdiction of the Rent Controlling Authority, namely the concerned Deputy Collector. In response, learned counsel submits that this contention is wholly contrary to the record. The orders dated 22.08.2015 and 27.09.2018 expressly empower the Deputy Collector to exercise the powers of Rent Controlling Authority, pursuant to orders issued by the State Government in exercise of its powers under Section 7(1) of the Act of 2011. It is further submitted that the petitioner has erroneously sought to link the conferment of powers of Rent Controlling Authority to the name of a particular presiding officer. In fact, the orders dated 22.08.2015 and 27.09.2018 attach to the office of the Deputy Collector and remain operative in respect of every incumbent holding that post from time to time. The efficacy or validity of the State Government's order does not stand extinguished merely by the transfer or change of the incumbent. In other words, the order dated 27.09.2018 must be read as referring to the "Deputy Collector for the time being in office" and shall continue to remain in force until the same is expressly modified or withdrawn by a subsequent order. It is also pertinent to submit that the petitioner has not challenged the jurisdiction of the Rent Controlling Authority on the ground of any incompetence arising from subordination or lack of rank. In the

present case, the statutory powers of Rent Controlling Authority have been exercised by the Deputy Collector himself, and such lawful exercise of jurisdiction cannot be questioned merely on the absence of a notification or order naming the individual presiding officer. Learned counsel further submits that the question of conferment and existence of jurisdiction is a matter to be clarified by the State Government, and in the absence of any affidavit or response from the State Government, this Court ought not to adjudicate upon such an issue, as doing so would result in violation of the principles of natural justice. Lastly, it is submitted that the writ petition is not maintainable for the additional reason that the petitioner has not challenged the validity of the Government orders dated 22.08.2015 and 27.09.2018. In the absence of any such challenge, the said orders continue to hold the field and are fully applicable to the case of the petitioner.

It is submitted that the petitioner has invoked the extraordinary writ jurisdiction of this Court, which is essentially equitable in nature. While exercising such jurisdiction, this Court is required to take into consideration the overall facts and circumstances of the case, including the comparative equities between the parties. Having regard to the advanced age of the respondent and his bona fide requirement of the property in question, read in juxtaposition with the conduct of the petitioner who has admittedly encroached upon the respondent's property and has further failed to pay rent as well as electricity and water

charges it is evident that the balance of equity tilts overwhelmingly in favour of the respondent. The petitioner cannot be permitted to defeat or infringe the respondent's fundamental right to shelter by raising vague, hyper-technical, and unsubstantial objections. The learned Tribunal has categorically recorded a finding that the petitioner failed to adduce any evidence in support of his pleadings, which clearly demonstrates that the petitioner does not possess a sustainable or meritorious case. In view of the foregoing circumstances, the present writ petition, being devoid of substance and merit, does not warrant any interference by this Court and is, therefore, liable to be dismissed.

7. Heard counsel for the parties and perused the material placed on record.
8. It is evident from the records of the learned Rent Controlling Authority and the learned Rent Control Tribunal that respondent No. 5, namely Shri Dinkar Rao Silledar, instituted an application for eviction of the disputed premises against the petitioner before the Rent Controlling Authority, Bilaspur. The learned Rent Controlling Authority, Bilaspur, by order dated 22.06.2022, allowed the said application and directed the petitioner to vacate the suit premises and to pay the arrears of rent along with the outstanding electricity dues. Aggrieved by the ex parte order, the petitioner filed an application for setting aside the ex parte order on 14.09.2022. During the pendency of the said application, the petitioner, on 11.04.2023, also preferred an application under

Section 7 of the Chhattisgarh Rent Control Act, 2011 before the Rent Controlling Authority, seeking appointment of a duly authorized Rent Controlling Officer and further prayed that the proceedings for setting aside the ex parte order be stayed in the absence of a valid appointment order as mandated under Section 7 of the Act, 2011. The learned Rent Controlling Authority rejected the said application vide order dated 08.09.2023. Subsequently, the petitioner filed a review application, which was also dismissed by the learned Rent Controlling Authority on 06.10.2023 and the matter was fixed for passing final orders on 13.10.2023. On 13.10.2023, the learned Rent Controlling Authority dismissed the petitioner's application for setting aside the ex parte order on the ground that the petitioner had failed to establish any bona fide cause for his non-appearance. Thereafter, the petitioner preferred an appeal against the order dated 13.10.2023 before the learned Rent Control Tribunal, Raipur. The learned Rent Control Tribunal, vide order dated 08.05.2024, dismissed the appeal filed by the petitioner. Hence, the present writ petition.

9. Before this Court, the petitioner has primarily assailed the proceedings on the ground of lack of jurisdiction of the learned Rent Controlling Authority.

10. Section 7 of the Chhattisgarh Rent Control Act, 2011 provides as under:-

“7. Establishment of Rent Controller- (1) For every district, the State Government shall appoint one or more officers not below

the rank of a Deputy Collector, as Rent Controller with territorial jurisdiction as to be specified by the District Collector.

(2) Rent Controller shall be subordinate to the Rent Control Tribunal.”

11. The respondent has filed on record the State Government notification dated 11.12.2013 and the relevant extract thereof is reproduced hereinbelow:-

"क्रमांक एफ 7-1/2013/32:: छत्तीसगढ़ भाड़ा नियंत्रण अधिनियम, 2011 की धारा 7 (1) द्वारा प्रदत्त शक्तियों को प्रयोग में लाते हुए राज्य शासन एतद् द्वारा छत्तीसगढ़ के प्रत्येक जिले के उप जिलाधीश को भाड़ा नियंत्रक के रूप में नियुक्त किया जाता है।"

12. The relevant extracts of the clarification letter dated 25.02.2015 are as follows:-

"क्रमांक एफ 7-1/2013/32 इस विभाग का समसंख्यक आदेश दिनांक 11.12.2013 की अंतिम पंक्ति में शब्द "उप जिलाधीश" के पश्चात् "की श्रेणी से निम्न का न हो" पढ़ा जावे।"

13. The respondent also placed on record the work-distribution order issued by the Collector, Bilaspur dated 09.12.2021, whereby respondent No. 3- Ajit Pujari, was assigned charge as the Rent Controlling Authority, Bilaspur.

14. From a conjoint reading of the State Government notification and the said work-distribution order, it is evident that the State Government appointed officers of the rank of Deputy Collector as Rent Controlling Authorities, and pursuant thereto, the Collector, by way of work distribution, assigned the charge of Rent Controlling Authority.

15. The learned Rent Controlling Authority, in its order dated 08.09.2023, recorded the following findings:-

“प्रकरण का अवलोकन किया गया। आवेदक द्वारा अपने आवेदन में मुख्य रूप से भाड़ा नियंत्रक बिलासपुर की नियुक्ति के संबंध में आपत्ति लेते हुए प्रकरण की कार्यवाही स्थगित किये जाने का निवेदन किया गया है। प्रत्येक जिले में भाड़ा नियंत्रक की नियुक्ति के संबंध में छ०ग० शासन, आवास एवं पर्यावरण विभाग, मंत्रालय महानदी भवन- नया रायपुर का आदेश क्रमांक एफ 7-1/2013/32 नया रायपुर दिनांक 11/12/2013 पठनीय है जिसमें शासन द्वारा छ०ग० भाड़ा नियंत्रण अधिनियम 2011 की धारा 7 (1) द्वारा प्रदत्त शक्तियों को प्रयोग में लाते हुए राज्य शासन एतद् द्वारा छत्तीसगढ़ के प्रत्येक जिले के उप जिलाधीश को भाड़ा नियंत्रक के रूप में नियुक्त किया गया है।”

16. In para 8 of the order dated 08.05.2024, the learned Rent Control Tribunal held as under:-

"विचारण न्यायालय के समक्ष दोनों पक्षों के अभिवचन प्राप्त होने के पश्चात् उभयपक्ष ने मूल आवेदन पर तर्क करना स्वीकार किया। अपीलार्थी/आवेदक ने अपने पक्ष के समर्थन में किसी प्रकार का साक्ष्य पेश किये जाने का अनुरोध नहीं किया। आवेदक द्वारा अपने आवेदन के समर्थन में किसी प्रकार का सत्यापित दस्तावेज अपने पक्ष के समर्थन में पेश नहीं किया है एवं अपने अभिवचन के समर्थन में स्पष्ट रूप से शपथ पत्र पेश नहीं किया है। अपीलार्थी/आवेदक द्वारा विचारण न्यायालय में की गई कार्यवाही या मूल प्रकरण में आवेदक द्वारा प्रस्तुत दस्तावेज एवं साक्ष्य का खंडन नहीं किया जा सका है। ऐसी दशा में विचारण न्यायालय द्वारा मूल प्रकरण के अवलोकन के पश्चात् उसमें की गई कार्यवाही को उचित बताते हुये अपीलार्थी के अनुपस्थित रहने का कोई पर्याप्त सद्भाविक कारण नहीं पाये जाने से एकपक्षीय आदेश पारित किया जाना बताया गया, इन परिस्थितियों में

विचारण न्यायालय द्वारा पारित आदेश में किसी प्रकार का हस्तक्षेप किये जाने का आधार नहीं पाया जाता है।"

17. Section 10(1)(f) of the Chhattisgarh Rent Control Act, 2011, provides as under:-

“(f) Setting aside any order of dismissal of any petition for default or any order passed ex parte.”

17. Rule 2 of the Chhattisgarh Rent Control Adaptation Rules, 2016 provides as under:-

“2. Application to the Rent Controller- Application shall be submitted as a plaint before the Rent Control for eviction and recovery, duly signed and verified by the applicant and supported with affidavit. The application shall be submitted in two copies and the reason of such application shall be clearly stated.”

18. Upon due consideration of the records and the statutory scheme under Section 7 of the Chhattisgarh Rent Control Act, 2011, this Court finds that the State Government, by notification dated 11.12.2013 read with the clarification dated 25.02.2015, validly appointed officers not below the rank of Deputy Collector as Rent Controllers. In furtherance thereof, the Collector, Bilaspur, by a lawful work-distribution order dated 09.12.2021, assigned charge of Rent Controlling Authority to a duly appointed Deputy Collector. Therefore, the objection raised by the petitioner regarding lack of jurisdiction of the Rent Controlling Authority is untenable and rejected.

19. It is further evident that the petitioner failed to comply with the mandatory requirements under Rule 2 of the Chhattisgarh Rent Control Adaptation Rules, 2016 while seeking setting aside of the ex parte order and also failed to establish any bona fide cause for non-appearance. No perversity, illegality or jurisdictional error is found in the impugned orders passed by the learned Rent Controlling Authority and affirmed by the learned Rent Control Tribunal.

20. Consequently, the writ petition deserves to be and is hereby dismissed.

21. Any interim order, if in force, shall stand vacated.

Sd/-

(Rajani Dubey)

Judge

Sd/-

(Amitendra Kishore Prasad)

Judge