CGHC010312462021 2026:CGHC:46844

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VISHAKHA BEOHAR
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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 4845 of 2021

Order Reserved on 01.10.2026

Order Delivered on 05.11.2026

1 - Ramkrishna Vivekanand Mission A Society Incorporated And Registered Under, Societies Registration Act 1973, Registered In 16.09.2003, Raigarh Through Its Secretary, Old Commerce College Building, Handi Chowk, Raigarh, Through Assistant Secretary, Swami Sukhadananda, Aged About 64 Years, Ramkrishna Vivekananda Mission, Old Commerce College, Handi Chowk, Raigarh (Chhattisgarh), District : Raigarh, Chhattisgarh

--- **Petitioner(s)**

versus

1 - State Of Chhattisgarh through Secretary Housing and Environment, Government of Chhattisgarh, Mantralaya, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, District Raipur (C.G.)

.

2 - Collector, Raigarh, Collectorate Premises, Raigarh,

3 - Sub Divisional Officer Cum Rent Controlling Officer, Raigarh, District : Raigarh, Chhattisgarh

--- **Respondent(s)**

WPC No. 2126 of 2022

1 - Ramakrishna Vivekananda Mission A Society Incorporated And Registered Under, Societies Registration Act 1973, Registered In 16.09.2003, Raigarh Through Its Secretary, Old Commerce College Building, Handi Chowk, Raigarh, Through Assistnt Secretary, Swami Sukhadananda, Aged About 64 Years, Ramkrishna Vivekananda Mission, Old Commerce College, Handi Chowk, Raigarh (C.G.) ---**Petitioner(s)**

Versus

1 - State Of Chhattisgarh Through- Secretary Housing And Environment, Government Of Chhattisgarh, Mantralaya, Mahanadi Bhawan, Nawa Raipur Atal Nagar, District Raipur (C.G.)

2 - Collector Raigarh, Collectorate Premises, Raigarh

3 - Rent Controlling Authority Cum Sub-Divisional Officer Raigarh, Chhattisgarh

4 - Karodimal Charity Trust Raigarh, Through Its Secretary, Karodimal Charity Trust, Raigarh, District Raigarh (C.G.)

... Respondents

(Cause-title taken from the Case Information System)

For Petitioner **:-** Mr. Harsh Dave, Advocate on behalf of Mr. Khulesh Sahu, Advocate

For State :- Mrs. Akansha Verma Dhabedkar, P.L.

For Respondent No.4 :- Mr. Siddharth Pandey, Advocate **in WPC No.2126/2022**

SB-Hon'ble Shri Justice Amitendra Kishore Prasad

CAV Order

1. Both the writ petitions raise identical grievances, as raised by the petitioner, Ramakrishna Vivekananda Mission. Accordingly, vide order dated 25.09.2026, both the matters were directed to be listed for analogous hearing. Consequently, both the writ petitions were heard together and are being disposed of by this common order.

2. The petitioners in both the writ petitions are registered societies under the Indian Societies Registration Act, having their presence across the country for furtherance of the objectives for which they were established. In furtherance of their respective objectives, the petitioner societies have also obtained registration in the State of Chhattisgarh for running a school and an orphanage at Raigarh and have been issued certificates of registration in that regard. For the purposes of the present writ petitions, the petitioner societies are represented through their Assistant Secretary, Swami Sukhadananda, who has been duly authorized by the respective societies and their Secretary to represent them before this Court in relation to the subject matter of the present proceedings.

3. The respondents are the State of Chhattisgarh and its authorities and, being public authorities, are amenable to the writ jurisdiction of this Court. Respondent No. 3 is the Sub-Divisional Officer-cum-Rent Controlling Authority, District Raigarh. Though Respondent No. 3 is not the State in its strict sense, the said authority is a public officer exercising statutory powers and functions under the Chhattisgarh Rent Control Authorities Act, 2011, and the Rules framed thereunder, and is, therefore, amenable to the writ jurisdiction of this Court in the discharge of such statutory functions. n W.P.(C) No. 2126 of 2022, Respondent No. 4 is a trust that lodged a complaint before Respondent No. 3, alleging that the petitioner was using the subject premises for purposes other than those for which the same had been allotted and seeking recovery of vacant possession of the subject property.

4. The common facts giving rise to both the writ petitions are that the petitioner society, namely, Ramakrishna Vivekananda Mission, Raigarh, registered under the Chhattisgarh Societies Registrikaran Adhiniyam, 1973, is engaged in providing education to orphan children, children below the poverty line and those belonging to economically weaker sections of society. Pursuant to its application seeking accommodation

for carrying out its charitable and educational activities, the State Government allotted the land and building situated at Handi Chowk, Raigarh, to the petitioner society vide allotment order dated 04.02.2004, and possession thereof was handed over to it. The subject property had earlier vested in the State Government with effect from 01.10.1986, and the claim of Kirodimal Charity Trust concerning the said property had been the subject matter of W.P. No. 6098/1998, which was dismissed by this Court on 04.05.2018. The petitioner society thereafter undertook necessary repairs to the building with the permission of the competent authority and obtained permission from the Education Department to run a school under the name and style of Sharda Shishu Vihar, with such permission being renewed from time to time. Subsequently, on a complaint alleging unauthorized use of the premises contrary to the purpose for which it had been allotted, Respondent No. 3, the Sub-Divisional Officer-cum-Rent Controlling Authority, issued a show-cause notice dated 15.09.2021 to the petitioner society, to which the petitioner submitted its reply on 20.09.2021. However, Respondent No. 3, vide order dated 30.09.2021 bearing No. 3615/AVA/2021, cancelled the allotment of the subject premises. Challenging the said notice and cancellation order, the petitioner

approached this Court by way of writ proceedings, wherein an interim order directing maintenance of status quo was passed on 07.12.2021. In W.P.(C) No. 2126 of 2022, Kirodimal Charity Trust, which had lodged a complaint before Respondent No. 3 seeking eviction of the petitioner society and recovery of vacant possession of the subject premises, has also been impleaded as Respondent No. 4.

5. Aggrieved by the impugned action of the Rent Controlling Authority, the petitioner has filed the present writ petitions seeking various reliefs. Since the reliefs prayed for in both the writ petitions are not identical, the same are reproduced separately hereunder for the sake of convenience and proper appreciation of the respective claims.

WPC No. 4845/2021

> *"10.1. The Hon'ble Court may kindly be pleased to call for the entire record pertaining to the case of the petitioner.*
>
> *10.2. The Hon'ble Court may kindly be pleased to set-aside the impugned order dated 30.09.2021 and notice dated 15.09.2021 passed/issued by respondent no.3;*
>
> *10.3. That the Hon'ble Court may kindly be pleased to issue appropriate direction thereby directing respondent to Injunct and not to*

interfere with the premises leased out to petitioner otherwise than due course of law;

10.4. Any other relief, which this Hon'ble Court may deems fit and proper may also be awarded to the petitioner including the cost of the petition."

WPC No. 2126/2022

"10.1. The Hon'ble Court may kindly be pleased to call for the entire record pertaining to the case of the petitioner.

10.2. The Hon'ble Court may kindly be pleased to set aside entire proceeding arising out of complaint preferred by respondent no.4 and registered by respondent no.3 as case no. 34/A-90(7)/2021-22 (including order sheets ANNEXURE-P/1);

10.3. That the Hon'ble Court may kindly be pleased to issue appropriate direction thereby directing respondent to Injunct and not to interfere with the premises leased out to petitioner otherwise than due course of law;

10.4. Any other relief, which this Hon'ble Court may deems fit and proper may also be awarded to the petitioner including the cost of the petition."

6. Mr. Harsh Dave, learned counsel, appearing on behalf of Mr. Khulesh Sahu, learned counsel for the petitioner, would

submit that the Sub-Divisional Officer-cum-Rent Controlling Authority (SDO-cum-RCA) has no authority in law to issue the show-cause notice or pass the impugned order dated 30.09.2021 cancelling the allotment of the subject premises on the ground of alleged violation of the conditions of allotment. He would submit that, if the allotment was subject to certain conditions and any such condition was alleged to have been violated, it was incumbent upon the aggrieved party having a legal interest in the property to initiate appropriate proceedings in accordance with law. In the present case, no complaint or application seeking eviction was filed by the competent party before the Rent Controlling Authority prior to initiation of the impugned proceedings. It is contended that the dispute, if any, concerning the alleged violation of the conditions of allotment was essentially between the parties having rights and obligations in respect of the subject premises, and the Rent Controlling Authority could not have initiated proceedings *suo motu* in the absence of any complaint or application as contemplated under the applicable law.

7. Learned counsel would further submit that Respondent No. 4, namely, Kirodimal Charity Trust, having claimed rights in respect of the subject property, was required to institute

appropriate proceedings for eviction, if so advised, in accordance with law. However, instead of following the prescribed procedure, the Rent Controlling Authority proceeded against the petitioner society on its own initiative and passed the impugned order without following the due process of law. He would also submit that, in the earlier round of litigation concerning the subject property, documents had been placed on record before this Court indicating that the premises had been allotted to the petitioner society for running a school. The respondents cannot now take a contrary stand regarding the purpose for which the premises were allotted. The petitioner society has been running a school for imparting education to orphan children and children belonging to economically weaker sections of society, in furtherance of its charitable objectives.

8. Learned counsel would lastly submit that the impugned action has been taken without adherence to the procedure established by law and without any valid complaint or application having been instituted by Respondent No. 4 before the Rent Controlling Authority. According to him, the proceedings initiated by the SDO-cum-RCA are without jurisdiction and constitute an arbitrary exercise of power with the object of evicting the petitioner society from the subject

premises by circumventing the procedure prescribed by law. He, therefore, submits that the impugned show-cause notice and the order dated 30.09.2021 deserve to be quashed.

9. Per contra, learned counsel appearing for Respondent No. 4, Kirodimal Charity Trust, Raigarh, would submit that the present writ petition has been filed by the petitioner society challenging the proceedings initiated by Respondent No. 3, the Sub-Divisional Officer-cum-Rent Controlling Authority, Raigarh, in Case No. 34/A-90(7)/2021-22, in respect of the land and building situated at Handi Chowk, Raigarh. The petitioner claims its occupation over the subject premises on the basis of the allotment order dated 04.02.2004 (Annexure P/4). Learned counsel would further submit that Respondent No. 4 filed an application dated 01.10.2021 before Respondent No. 3, raising a grievance regarding the petitioner's occupation of the subject premises and seeking appropriate action in accordance with law (Annexure P/14), pursuant to which the proceedings in question were registered. Accordingly, the contention that the proceedings were initiated *suo motu*, without any complaint or application, is misconceived.

10. Learned counsel would next submit that the allotment order dated 04.02.2004 was issued to the petitioner society

specifically for office use for a temporary period and that the petitioner, having violated the conditions stipulated therein, rendered itself liable to appropriate action in accordance with law. He would contend that the subject property was originally allotted to Respondent No. 4 Trust by the State Government in the year 1952, and the said allotment remained valid and effective until 31.03.1992, as reflected in the documents filed as Annexure R/4-1. Thereafter, an application seeking renewal of the lease was submitted before the Collector, Raigarh, on 25.03.1992, followed by a subsequent application dated 12.12.2019. The lease in favour of Respondent No. 4 Trust was subsequently renewed on 01.04.2022 and is stated to remain valid until 31.03.2052.

11. Learned counsel would further submit that the disputed premises had earlier been handed over to Parumal Dhananiya Memorial Society on 30.09.1986 for running an Arts and Commerce College, and that the State Government subsequently took over the property pursuant to an agreement. He would also refer to Annexure R/4-4, containing a resolution for handing over the subject property back to Respondent No. 4 Trust. On the strength of the aforesaid documents and the subsisting lease in its favour, Respondent No. 4 claims to be the landlord in respect of the

subject premises and contends that it is competent to maintain a complaint before the Rent Controlling Authority under the Chhattisgarh Rent Control Act, 2011, and to seek eviction of the petitioner society through the procedure prescribed by law.

12. Learned counsel, therefore, submits that the complaint/application filed by Respondent No. 4 was maintainable, the proceedings initiated by Respondent No. 3 were not without jurisdiction merely because they followed a complaint, and the impugned action was taken on account of the alleged violation of the conditions of allotment by the petitioner society. He accordingly submits that the impugned proceedings and the order dated 30.09.2021 do not warrant interference by this Court in exercise of its writ jurisdiction and that the writ petitions are liable to be dismissed.

13. I have heard learned counsel for the parties and perused the material available on record.

14. I have heard learned counsel for the parties and perused the material available on record.

15. From a perusal of the record, it appears that the subject property was originally leased by the State Government in favour of Respondent No. 4, Kirodimal Charity Trust, in the

year 1952. The Trust claims that the lease was subsequently renewed and that its validity was extended up to 31.03.2052. It is also borne out from the material available on record that the subject premises were subsequently made available to the petitioner society, which is running a school therein for orphan children and children belonging to economically weaker sections of society. The petitioner society has obtained the requisite permissions from the competent authorities, including the District Education Officer, Raigarh, for running the school under the name and style of *Sharda Shishu Vihar*. The record further indicates that the concerned authorities were aware of the use of the premises for educational purposes.

16. It is also relevant to note that the dispute concerning the subject property had earlier been considered by this Court in W.P. No. 6098 of 1998, which was dismissed on 04.05.2018. The petitioner society was also a party to the said proceedings. The dismissal of the aforesaid writ petition, however, does not dispense with the requirement that any action seeking eviction of the petitioner society or cancellation of its occupation must be taken by the competent authority in accordance with the procedure prescribed by law.

17. The allotment order dated 04.02.2004, pursuant to which the petitioner society came into possession of the subject premises, and the permissions granted by the competent authorities for running the school are relevant circumstances that were required to be duly considered before taking any adverse action against the petitioner society. Even assuming that any condition of allotment had been violated, such alleged violation could not, by itself, justify the passing of an order of eviction without following the procedure prescribed by the applicable law. The authority concerned was required to identify its statutory competence and adhere to the procedure governing the proposed action, including the principles of natural justice.

18. The aforesaid principle finds support from the judgment of the Hon'ble Supreme Court in ***Dipak Babaria & Anr. v. State of Gujarat & Ors., (2014) 3 SCC 502***, wherein the Hon'ble Supreme Court reiterated that where a statute prescribes a particular procedure for exercise of statutory power, the authority is required to act strictly in accordance with such procedure and cannot adopt a different course. The Court emphasized that statutory powers must be exercised within the limits prescribed by the legislature and that it is not

merely the end but also the means adopted for achieving such end which must conform to the statutory scheme.

19. In the present case, the impugned action culminated in the order dated 30.09.2021 cancelling the allotment of the subject premises. The material placed on record does not establish that the impugned action was preceded by proceedings conducted in accordance with the procedure prescribed under the Chhattisgarh Rent Control Act, 2011. The mere issuance of a show-cause notice dated 15.09.2021 and submission of a reply by the petitioner society on 20.09.2021 would not, by themselves, establish compliance with the statutory procedure applicable to the proposed action. Where the statute prescribes a particular procedure for seeking eviction, the competent authority is required to act within the limits of its jurisdiction and in conformity with such procedure.

20. The aforesaid principle is fortified by the judgment of the Hon'ble Supreme Court in ***Babu Verghese & Ors. v. Bar Council of Kerala & Ors., (1999) 3 SCC 422***, wherein it has been held that where the manner of doing a particular act is prescribed under a statute, the act must be performed in that manner alone and not otherwise. The said principle squarely applies to the exercise of statutory jurisdiction by the Rent

Controlling Authority. Consequently, in the absence of adherence to the procedure prescribed under the applicable statutory framework, the impugned proceedings cannot be sustained in law.

21. Another significant aspect of the matter is that the allotment order dated 04.02.2004 was issued by the authority concerned in relation to the subject premises. Having regard to the nature of the impugned proceedings and the relief sought against the petitioner society, the authority could not proceed to adjudicate the alleged violation and order eviction without establishing its competence to do so under the applicable law. The principle that no person can be a judge in his own cause is a well-settled facet of the rule against bias. Accordingly, where the authority that issued the allotment itself proceeds to determine the alleged breach and cancel the allotment, the legality of such action must be examined with due regard to the statutory framework, the nature of the power exercised and the requirement of an impartial decision-making process.

22. Another significant aspect of the matter is that the allotment order dated 04.02.2004 was issued by the competent authority in favour of the petitioner society. The subsequent action seeking cancellation of such allotment was required to

be undertaken by an authority having specific statutory competence in that regard. It is not merely the existence of an alleged violation of the conditions of allotment which confers jurisdiction upon an authority; rather, the authority must demonstrate that the power exercised by it is traceable to the applicable statutory provisions. In this regard, it would be apposite to refer to the judgment of the Hon'ble Supreme Court in ***Municipal Corporation of Greater Mumbai & Ors. v. Vivek V. Gawde & Ors., 2024 SCC OnLine SC 3722***, wherein the Supreme Court examined the nature of quasi-judicial proceedings undertaken by statutory authorities in eviction matters and emphasized the importance of exercise of jurisdiction in accordance with the statutory framework.

23. It is, therefore, evident that any alleged breach of the conditions of allotment could be acted upon only by following the procedure prescribed by law and by the authority competent to initiate and decide such proceedings. If Respondent No. 4 claims a right to recover possession of the subject premises, it is open to it to pursue the remedy available under the applicable law before the competent authority. However, such a claim cannot validate proceedings or an order that have been initiated or passed without adherence to the procedure prescribed by law. The impugned

proceedings, culminating in the order dated 30.09.2021, therefore, cannot be sustained.

24. In view of the foregoing discussion, both the writ petitions deserve to be allowed. Accordingly, the proceedings initiated by Respondent No. 3, the Sub-Divisional Officer-cum-Rent Controlling Authority, Raigarh, in Case No. 34/A-90(7)/2021-22, and the consequential order dated 30.09.2021 bearing No. 3615/AVA/2021, are hereby quashed.

25. It is, however, clarified that this order shall not preclude the competent authority from initiating or proceeding with appropriate action, if so warranted, strictly in accordance with the applicable law and after following the prescribed procedure and the principles of natural justice. Likewise, Respondent No. 4 shall be at liberty to avail itself of such remedy as may be available to it in law before the competent forum.

26. Both the writ petitions are **allowed** in the above terms.

27. No order as to costs.

Sd/-

(Amitendra Kishore Prasad)
Judge

Vishakha