



CGHC010193292026

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WP227 No. 580 of 2026****Order reserved on 12/05/2026****Order delivered on 28/07/2026**

Satpal Gandhi S/o Late Arjun Singh Gandhi Aged About 72 Years Through His Registered Power Of Attorney Holder Devendra Gandhi S/o Satpal Gandhi Both Residing At House No. 9/35 In Front Of Chhattisgarh Club, Civil Lines, Raipur, Chhattisgarh - 492001 Mobile- 9826905854

... Petitioner**versus**

1 - Girdharilal Agrawal S/o Late Banshidhar Agrawal R/o D-9, Anupam Nagar, Raipur - 492001, Chhattisgarh.

2 - State Of Chhattisgarh Through Its District Collector, Raipur Collectorate, Kutchery Chowk, Raipur - 492001, Chhattisgarh.

---Respondents

(Cause title taken from Case Information System)

For Petitioner	:	Mr. Mohit Gandhi, Advocate
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For Respondent No.2/State	:	Ms. Richa Sahu, Panel Lawyer
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Hon'ble Shri Ravindra Kumar Agrawal, Judge**C.A.V. Order**

- The petitioner has filed the present writ petition under Article 227 of the Constitution of India, claiming the following reliefs:-

“The petitioner, therefore, most humbly prays that in the view of the aforementioned facts, premises, and law, this Hon'ble Court may graciously be pleased to:

A. INTERIM PRAYER

1. Call for the returns maintained under Rule 20(2) of the Chhattisgarh Rent Control (Adaptation) Rules, 2016, prepared in respect of the court of the Ld. Rent Controller, Raipur, Chhattisgarh, for a period of preceding six months.

B. FINAL/MAIN PRAYERS

1. Declare that the order dated 02.02.2026 (impugned order) passed by the Ld. Rent Controller, Raipur in the suit bearing number 44 - 90(8) - 23 - 24 in the matter of Satpal Gandhi vs Girdharilal Agrawal, insofar as it suspends the judicial business for the whole day, which includes the aforementioned suit, solely on account of receiving such a request through a notice of condolence moved by the District Bar Association, Raipur, as illegal, impermissible, *void ab initio*,

2. Consequent to the preceding prayer, direct the Ld. Rent Controller, Raipur to *henceforth* refrain from suspending the judicial business listed for the whole day solely on account of a request made by the District Bar Association, Raipur through a notice of condolence,

3. In the alternative to the immediately preceding prayer, issue suitable practice directions under Article 227(2)(b) to the Ld. Rent Controller, Raipur and other similarly situated courts or tribunals, to refrain from suspending the judicial business listed for the whole day solely on account of a request made by the respective District Bar Association, through a notice of condolence,

4. Direct the State of Chhattisgarh [Respondent No. 2] to initiate an administrative review of the resources, including the time available for the exclusive discharge of judicial business, available with the Ld. Rent Controller, Raipur, and take suitable steps to facilitate the expeditious disposal of the matters pending before the Ld. Rent Controller, Raipur,

5. Pass any other order or direction deemed fit in the facts and circumstances of this petition.

For this act of kindness, the humble petitioner shall forever pray.”

2. Briefly stated, the facts of the case are that the petitioner, a 72-year-old senior citizen, engaged in the business of real estate sales and management, instituted the present petition through his duly constituted power of attorney holder and son, Shri Devendra Gandhi. The petitioner had let out his residential house situated at D-9, Anupam Nagar, Raipur to respondent No. 1 in the year 2015 under a written rent agreement, which was subsequently renewed orally from time to time. Owing to disputes regarding payment of rent and vacation of the premises, the petitioner instituted an eviction suit along with a claim for arrears of rent under the provisions of the Chhattisgarh Rent Control Act, 2011 before the Rent Controller, Raipur, which was registered as Case No. 44-90(8)-23-24. The said proceedings are stated to be pending at the initial stage.
3. It is the petitioner's grievance that the eviction case, which was listed on 02.02.2026, was not taken up for hearing and was adjourned to 12.02.2026 as the Rent Controller suspended judicial work for the entire day in deference to a condolence motion moved by the District

Bar Association. According to the petitioner, all matters listed on the cause list for that day were similarly adjourned, thereby depriving litigants of an effective hearing, including in urgent matters. In support of this contention, the petitioner has relied upon the cause list dated 02.02.2026, the order passed on the said date, and a previous cause list dated 07.01.2026 to demonstrate that whenever judicial work was suspended, all matters were mechanically adjourned by assigning fresh dates corresponding to their serial numbers in the cause list. The petitioner has further placed on record the complete order-sheet of the eviction proceedings to demonstrate that repeated adjournments had occurred not only on account of condolence motions but also due to non-availability of a Presiding Officer after transfer of the incumbent and on account of the Presiding Officer being engaged in administrative duties. While clarifying that the challenge in the present petition is confined only to the order dated 02.02.2026, the petitioner has referred to the earlier orders merely to indicate that the impugned adjournment forms part of a recurring practice adopted by the Rent Controller. It is specifically pleaded that the petitioner does not question the propriety of paying respects to a departed member of the Bar or Bench through ceremonial observances, but only questions the legality and permissibility of complete suspension of judicial work for the entire day on the basis of a condolence motion, and has accordingly invoked the supervisory jurisdiction of this Court under Article 227 of the Constitution of India.

4. Learned counsel for the petitioner submits that the impugned order dated 02.02.2026, whereby the Rent Controller adjourned all matters

listed for the day on account of a condolence reference made by the District Bar Association, is manifestly contrary to the law laid down by the Constitution Bench of the Supreme Court in ***Ex. Capt. Harish Uppal v. Union of India***, 2003 (2) SCC 45, wherein it has been categorically held that strikes or boycott calls by lawyers are illegal and that courts are under a corresponding obligation to continue judicial work notwithstanding such calls. It is argued that by suspending judicial business for the entire day in deference to the request of the Bar Association, the Rent Controller effectively became a party to an impermissible abstention from judicial work. Reliance is further placed upon ***District Bar Association, Dehradun v. Ishwar Shandilya and Others***, 2020 (17) SCC 672, and ***Hussain and Anr. v. Union of India***, 2017 (5) SCC 702, to contend that even abstention from court work on account of condolence references has been deprecated by the Hon'ble Supreme Court, which has repeatedly emphasized the duty of courts to ensure uninterrupted access to justice.

5. It is further submitted that the impugned order has been passed solely on the basis of a request made by the District Bar Association, which was not a party to the proceedings before the Rent Controller, and without affording any opportunity of hearing to the litigating parties whose rights were directly affected by such adjournment. According to learned counsel, the petitioner, despite being present and desirous of prosecuting his eviction proceedings, was deprived of judicial adjudication without any notice or hearing. It is, therefore, contended that the impugned action is founded upon an extraneous consideration, violates the principles of natural justice, particularly the

rule of *audi alteram partem*, and has resulted in manifest prejudice and denial of access to justice. He would further submit that the impugned order is not an isolated instance but forms part of a recurring practice adopted by the Rent Controller. Referring to the order-sheet of the eviction proceedings, it is contended that out of twenty-five dates fixed in the matter, fourteen hearings were rendered ineffective either because no Presiding Officer was available, the Presiding Officer was engaged in administrative duties, or judicial work was suspended on account of condolence references. Such repeated adjournments, according to the petitioner, have frustrated the legislative intent underlying Section 9(2) of the Chhattisgarh Rent Control Act, 2011 read with Rules 7 and 15 of the Chhattisgarh Rent Control Adaptation Rules, 2016, which contemplate expeditious adjudication of eviction proceedings.

6. Lastly, it is submitted that a substantial cause for delay is the entrustment of extensive administrative responsibilities upon the Rent Controller in his capacity as Deputy Collector, resulting in repeated suspension of judicial work. It is submitted that the State is under a constitutional obligation to ensure the availability of an effective judicial forum and cannot justify delays on the ground of administrative exigencies. Reliance is placed upon the decision of the Supreme Court in ***Hussainara Khatoon v. Home Secretary, State of Bihar***, 1980 (1) SCC 98, to contend that the right to speedy justice is an integral facet of Article 21 of the Constitution and that administrative or financial constraints cannot be pleaded to defeat such right. It is, therefore, prayed that appropriate directions be issued to the Rent Controller as well as the State Government to

ensure that judicial work is not suspended on account of condolence references or avoidable administrative assignments, so that litigants are not deprived of timely adjudication of their disputes. It is, therefore, urged that the supervisory jurisdiction of this Court under Article 227 deserves to be exercised to correct the prevailing practice and procedure adopted by the Rent Controller.

7. I have heard learned counsel for the petitioner and perused the documents annexed with the petition.
8. Having heard learned counsel for the petitioner and perused the record, this Court finds that the challenge in the present petition is essentially directed against the order dated 02.02.2026 passed by the learned Rent Controller, Raipur, whereby the petitioner's eviction suit, along with all other matters listed on that date, came to be adjourned on account of a condolence reference received from the District Bar Association. Though the petitioner has referred to previous orders passed in the same proceedings, it has been specifically clarified that those orders have been placed only to demonstrate the recurring nature of the practice adopted by the Rent Controller and not for seeking any independent relief. The main question, therefore, is whether judicial work can be suspended for the entire day solely on the basis of a condolence reference or request made by a Bar Association and, if not, whether any interference under Article 227 of the Constitution is warranted.
9. The issue is no longer *res integra*. In **Ex. Capt. Harish Uppal** (supra), the Constitution Bench unequivocally held that strikes and

boycott of courts by advocates are illegal and that courts are under a corresponding obligation to continue judicial work notwithstanding such abstention. It was categorically observed that courts cannot adjourn matters merely because lawyers abstain from work, for doing so would amount to becoming privy to an illegal strike. The principle was reiterated in **Hussain** (supra), wherein the Hon'ble Supreme Court emphasized that strikes, including abstention from judicial work on account of condolence references, impede the administration of justice and directed the High Courts to adopt effective measures to curb such practices. Likewise, in **Ishwar Shandilya** (supra), the Hon'ble Supreme Court affirmed the directions issued by the High Court restraining Bar Associations from abstaining from court work even on account of condolence references. These pronouncements unmistakably establish that while paying homage to a departed member of the Bar or Bench is a matter of institutional propriety, such observance cannot ordinarily result in complete cessation of judicial work for the entire day.

10. It is equally well settled that access to justice is an integral component of the guarantee under Articles 14 and 21 of the Constitution. Every litigant who approaches a judicial forum has a legitimate expectation that his case will be considered in accordance with law on the date fixed, unless circumstances beyond judicial control make such consideration impossible. A wholesale adjournment of all matters listed before a court or tribunal, without examining whether any matter requires urgent consideration and without affording an opportunity to the parties present to press for hearing, adversely affects the administration of justice. Though an

order of adjournment ordinarily falls within the procedural discretion of the court, such discretion must always be exercised to advance the cause of justice and cannot be founded solely upon an extraneous request emanating from a body which is not a party to the lis.

11. The material placed on record further indicates that the petitioner's eviction proceedings have repeatedly suffered adjournments either on account of administrative assignments entrusted to the Presiding Officer, non-availability of the Presiding Officer, or suspension of judicial work on condolence references. The Chhattisgarh Rent Control Act, 2011 contemplates expeditious adjudication of eviction proceedings, and Section 9(2) thereof read with the relevant provisions of the Chhattisgarh Rent Control Adaptation Rules, 2016 manifests the legislative intent that such disputes should be decided without avoidable delay. If judicial work is repeatedly interrupted due to administrative exigencies or other avoidable causes, the statutory objective stands frustrated. The observations of the Hon'ble Supreme Court in **Hussainara Khatoon** (supra), that the State cannot plead administrative or financial constraints to defeat the constitutional mandate of speedy justice, though rendered in the context of criminal trials, embody a constitutional principle equally relevant to the administration of justice generally.
12. At the same time, this Court is conscious that the petitioner has challenged only the order dated 02.02.2026 and not the institutional practice prevailing throughout the State. The supervisory jurisdiction under Article 227 is intended to ensure that courts and tribunals

function within the bounds of law and follow fair procedure; it is not ordinarily exercised to issue broad administrative directions in the absence of necessary factual foundation or without affording an opportunity to all stakeholders likely to be affected. Therefore, while this Court finds merit in the petitioner's contention that judicial business ought not to be suspended for the entire day merely because a condolence reference has been moved by a Bar Association, any general directions governing the functioning of all subordinate courts or tribunals are matters which appropriately fall within the administrative domain of the High Court on the judicial as well as administrative side.

13. Accordingly, the impugned order dated 02.02.2026, insofar as it adjourned the petitioner's case solely on account of a condolence reference without any other legally sustainable reason, cannot be sustained in law. The learned Rent Controller is expected, in future, to ensure that judicial work is conducted in conformity with the law declared by the Supreme Court in **Ex. Capt. Harish Uppal** (supra) and the subsequent decisions referred to hereinabove, and that ceremonial observances, including condolence references, do not ordinarily result in suspension of judicial work for the entire day. As regards the petitioner's prayer seeking administrative review of the workload and allocation of duties to the Rent Controller, it is observed that the competent authorities shall remain at liberty to examine the issue in accordance with law and administrative exigencies so as to ensure effective and expeditious discharge of judicial functions by the Rent Controller.

14. The learned Rent Controlling Authority shall henceforth endeavour to ensure that judicial work is carried on in accordance with the aforesaid principles and that cases, particularly those requiring urgent consideration, are not mechanically adjourned solely on the basis of a request made by the Bar Association. He shall decide the case of the petitioner in an expeditious manner, preferably within the period of 03 months from the next date fixed before it, if already not decided.
15. So far as the petitioner's prayer seeking a direction to the State Government to undertake an administrative review of the workload and allocation of duties of the Rent Controller is concerned, no mandatory direction is considered necessary in the facts of the present case. However, it is observed that the competent administrative authorities may examine the issue appropriately so as to facilitate expeditious disposal of proceedings under the Chhattisgarh Rent Control Act, 2011.
16. The writ petition is accordingly **disposed of**.

Sd/-
(Ravindra Kumar Agrawal)
Judge

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