

Smt. Manju Devi Vs. Additional District Judge Viiith and ors.

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Court : Allahabad

Decided On : Jul-17-2007

Reported in : 2007(4)AWC3403

Judge : Rakesh Tiwari, J.

Appellant : Smt. Manju Devi

Respondent : Additional District Judge Viiith and ors.

Judgement :

Rakesh Tiwari, J.

1. Heard learned Counsel for the parties.
2. P.A. Case No. 19 of 1988 was filed by the landlord-petitioner before the Prescribed Authority for release of the accommodation in dispute which was allowed by the Prescribed Authority vide order dated 26.3.2002.
3. Aggrieved by the aforesaid order, the respondent Nos. 2 to 8 filed Rent Control Appeal No. 59 of 2002 which is said to be still pending.
4. The contention of the learned Counsel for the petitioner is in respect of the provision of Rule 7(7) of U.P. Act No. 13 of 1972 which provides as under:

As far as possible, a revision under Section 18 shall be decided within one month, an appeal or revision under Section 10 shall be decided within two months, and an appeal under Section 22 shall be decided within six months from the date of its presentation.

5. Thus, outer limit provided by the aforesaid rules framed under the Act for deciding the appeal filed under Section 22 of the Act is six months.

6. This Court has given several judicial pronouncements wherein this lethargy for taking the matter in ease by the appellate authorities has been deprecated and held that delay denies justice where the officer has failed in his statutory duty in deciding the appeal within the time prescribed by the statute and has allowed the matter to linger on for years together.

7. The time has come now for the authorities appointed under Act XIII of 1972 to be dealt with Iron hand for they do not honour legislative wisdom and became an instrument in the hands of the litigants by not adhering to the time limit provided under the Act and rules framed thereunder for deciding the cases. They thus commit serious violation of law and abuse of process of their own Court. This act of their has resulted in the failure of justice and an achievement of the object which the Legislature has in its wisdom provided in the enactment of this welfare legislation.

8. Justice delayed is justice denied is coveted jewel of legal principles.

9. It is noted that though time frame is provided in the Act and the rules framed thereunder, the cases are not decided for years together and sometime even for 15 to 20 years elapse because the authorities are not strict but liberal in granting adjournments. If the authorities are so liberal so as to reflect their inefficiency in deciding the case before them within the time prescribed by the Legislature and law propounded by the High Court as well as by the Apex Court, they are not fit to remain in service.

10. The matters of tenancy between landlord and tenant has serious consequences and also reflects upon the Judiciary. The question of delay is a

primary responsibility of the Court and they must strive to decide the cases in time prescribed under the statute pertaining under the Uttar Pradesh (Regulation of Letting, Rent and Eviction) Act, 1972 with rules framed thereunder. If the authorities appointed under the aforesaid Act and rules failed in their duties cast upon them by deciding cases first beyond the time prescribed under the Act, then it is to be treated as serious misconduct calling for action against the said officer.

11. It is to be brought on his Annual Confidential Report. All District Judges are therefore, directed to maintain a record of cases under Act 13 of 1972 which are not decided within time prescribed and give an adverse entry.

12. Let a copy of this order be communicated by the Registrar General to all the District Judges concerned for compliance henceforth.

13. The writ petition is disposed of with the direction to the appellate authority to decide the R.C.A. No. 59 of 2002, filed by the respondent Nos. 2 to 8 within a period of two months from the date of production of the certified copy of this order.

No order as to costs.

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