

Hanif Khan Vs. Viiiith Additional District Judge and ors.

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Court : Allahabad

Decided On : Mar-22-2004

Reported in : 2005(1)ARC12

Judge : S.U. Khan, J.

Acts : Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972 - Sections 14; Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) (Amendment) Act, 1976

Appeal No. : Civil Misc. Writ Petition No. 135 of 1983

Appellant : Hanif Khan

Respondent : Viiiith Additional District Judge and ors.

Disposition : Petition allowed

Judgement :

S.U. Khan, J.

1. This is tenant's writ petition. Petitioner on 18th June, 1973 filed application for allotment of the accommodation in dispute. In Para 1 of the writ petition it is stated that it was actually given on rent to him by landlord-respondent No. 4 w.e.f., 1st July, 1973. It appears that the matter of allotment remained pending for five years and on 30th June, 1978 Rent Control and Eviction Officer, allotted the building in

dispute to respondent No. 3. Respondent No. 3 had filed allotment application on 24th June, 1977. In between petitioner's allotment application and order of allotment in favour of respondent No. 3, Section 14 of UP. Act No. 13 of 1972, had been amended w.e.f., 5th July, 1976 and tenancy without allotment prior to the said amendment had been regularised. Against order dated 30th June, 1978, petitioner filed revision which dismissed against which petitioner filed a Writ Petition No. 10357 of 1979. The said writ petition was allowed on 16th August, 1982 vide Annexure-4 to the instant writ petition and the matter was remanded to the Revisional Court. Revisional Court by order dated 21st December, 1982 again dismissed the revision which order is challenged in the instant writ petition. The only point taken by the Revisional Court is that the petitioner did not get his allotment application renewed, after every year. Nothing has been discussed by the Revisional Court regarding Section 14 of the Act, as amended in 1976.

2. Heard learned Counsel for the petitioner. No one has appeared for respondent No. 9. Respondent No. 4 inspite of sufficient service has not engaged any Counsel.

3. In my opinion the entire exercise done by the Revisional Court was in vain as petitioner's tenancy stood regularised in view of Section 14 of the Act.

4. Accordingly, writ petition is allowed. Judgment and order dated 21st December, 1982 passed by VIIIth Application District Judge, Kanpur in rent Revision No. 100 of 1978 and the allotment order dated 30th June, 1978 passed by Rent Control and Eviction Officer, allotting the building in dispute in favour of respondent No. 3 Mustaq Ahmad are quashed.