
(2017) 04 AHC CK 0016
In the Allahabad High Court
Case No : Writ C. No. 16320 of 2017

Arya Samaj Armapur Estate

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision : 19-04-2017

Acts Referred:

Public Premises (Eviction of Unauthorised Occupants) Act, 1971 — Section 4

Citation : (2017) 2 ARC 288

Hon'ble Judges : V.K. Shukla and Mahesh Chandra Tripathi, JJ.

Bench : Division Bench

Advocate : Yogesh Agarwal and Ashwani Kumar Mishra, Advocates, for the Petitioner; C.S.C., A.S.G.I, for the Respondent

Final Decision : Dismissed

Judgement

V.K. Shukla and Mahesh Chandra Tripathi, JJ.—Arya Samaj Armapur Estate, Kanpur Nagar through its Secretary is assailing the validity of the notice given to the petitioners wherein mention has been made that the petitioners are the occupants of the public premises, and their tenancy in question stands terminated with effect from 6th April, 2017 and it has been hoped that petitioners would hand over peaceful possession by 9th April, 2017 failing which, petitioner has been informed that proceedings would be undertaken under the provisions of Public Premises (Eviction of Unauthorized Occupants) Act, 1971.

2. From the side of the petitioner, Sri Yogesh Agarwala, Advocate appearing with Sri A.K. Mishra, Advocate, contended that from the premises in question, institution in question is being run wherein children are imparted instructions and for an enhancement of rent, already proceedings in question are ongoing for refixation of lease rent and premium and in this background, petitioner submits that this threat of eviction is per se bad.

3. Apprehension has also been expressed before us that without taking recourse to the procedure prescribed under law, by use of force, petitioners would be

thrown away and the running of the institution would be impaired.

4. Sri Ashok Mehta, ASGI appearing for Union of India and Sri Sanjeev Singh, Advocate appearing for opposite party nos. 2 and 3 contended that whatever action is being taken, the same is being taken strictly in accordance with law as petitioners have been asked to hand over peaceful possession failing which action to be taken as is provided for under Public Premises (Eviction of Unauthorized Occupants) Act, 1971.

5. It has also sought to be contended that totally incorrect fact has been mentioned that by use of force, petitioners are being evicted, whereas the fact of the matter is that at no point of time legal recourse has been flouted, rather the intentions are clear to proceed in accordance with law.

6. Once a clear cut mention has been made in the notice under challenge dated 7th April, 2017, terminating the tenancy and giving time to vacate the premises failing which, proceedings would be undertaken as per Public Premises (Eviction of Unauthorized Occupants) Act, 1971, then on mere apprehension, present writ petition cannot be maintained as we hope and trust as mentioned before us that in all eventuality, eviction would take place after due procedure as envisaged under Public Premises (Eviction of Unauthorized Occupants) Act, 1971, is undertaken, and in view of this, we are not at all entertaining the challenge made and accordingly, present writ petition stands dismissed.