**(1985) 06 KAR CK 0011**

**In the Karnataka High Court**

**Case No :** Writ Petition No. 9258 of 1985

Bharath Gold Mines Ltd. APPELLANT

Vs

Kannappa RESPONDENT

**Date of Decision :** 21-06-1985

**Acts Referred:**
Karnataka Rent Control Act, 1961 — Section 14

**Citation :** (1986) ILR (Kar) 4050

**Hon'ble Judges :** Chandrakantaraj Urs, J

**Bench :** Single Bench

**Advocate :** K.J. Shetty, for the Appellant;

**Final Decision :** Dismissed

# Judgement

Chandrakantaraj Urs, J.—This Writ Petition is directed against the order of the House Rent Controller, Kolar Gold Field Area in case No. HRC 1 to 6/1981-82.

Briefly the facts are :

2. The Bharath Gold Mine Limited, a Public Company registered under the Companies Act, wholly and solely owned by the Government of India, demanded higher rent from some of its tenants in respect of non-residential premises owned by the Company. Some of the tenants agreed to pay the rents and some did not. Those of them who did not, approached the Rent Controller u/s 14 of the Karnataka Rent Control Act for fixation of fair rent for the premises occupied by them. The Bharat Gold Mines Ltd., a petitioner in this petition resisted on the sole ground that the Karnataka Rent Control Act was not operative in so far as the premises belonging to the Company were concerned and therefore the Rent Controller had no jurisdiction to decide the fair rent u/s 14 of the Karnataka Rent Control Act. The crux of the argument was that the premises owned by the Company were covered by the Public Premises (Eviction of unauthorised Occupants), Act, 1971, and therefore there was an ouster of jurisdiction of the Karnataka Rent Control Act. That contention was rejected by the Rent Controller.

 

Against that order of rejection, the present petition is filed inter alia contending the same as was contended before the Rent Controller.

3. Mr. K. J. Shetty, learned Counsel for the petitioners, has drawn my attention to the ruling of the Supreme Court in the case of Jain Ink Manufacturing Company Vs. Life Insurance Corporation of India and Another, . In that decision, the Supreme Court in unmistakable terms has laid down that the eviction of Unauthorised Occupants Act, 1971 has over-riding effect over the Delhi Rent Control Act giving more than one reason. One of the reasons given is that it is a special enactment and also for the reason that the Unauthorised Occupants Eviction Act was enacted in 1971 much later than the Delhi Rent Control Act. Therefore, a building owned by the Life Insurance Corporation of India, the ownership having been conferred on it by purchase of the property in Court auction, the termination of tenancy, eviction, etc., would be covered by the Unauthorised Occupants Eviction Act, 1971. That decision is binding on this Court. Nor can this Court distinguish it on facts.

4. But the question is how the law laid down, should be understood by this Court. Whether it should be without reference to the facts of the case and the matter in issue therein. It cannot be said the law has been laid down that the Unauthorised Occupants Eviction Act overrides all Rent Controls Act in the Union of India.

5. Mr. Shetty could not dispute that the Unauthorised Occupants Eviction Act deals with the eviction of persons who are in occupation of premises, defined as public premises under that Act. It provides for a particular and separate procedure for eviction of unauthorised persons, who is authorised and who is unauthorised occupant also is a subject matter of that Act. But question of fixing fair rent is not the subject matter of the Eviction of Unauthorised Occupants Act. In the result, the field of fixing of fair rents is not the occupied field for the State Legislation to be excluded. The State Legislation is operative in the whole of Karnataka except to the extent that Legislation stands excluded by the operation of the Central Act. State Legislation itself provides for the Act to be inapplicable throughout the State in respect of the premises owned by Central Government, Local Authority, Municipality, etc. But it does not refer to a public Company even if it is wholly and solely owned by the Government of India or State Government. It is now well settled the properties owned by Public Company or the properties of a Public Company and if it goes in to liquidation, it will be liable for sale under the provisions of the Indian Companies Act and will be treated as the assets of the Public Company and not as the assets of the Central Government or the State Government. If that fact is borne in mind, then it is not difficult to see that the Rent Controller was correct in his approach in overruling the objection raised by the Company i.e., Bharath Gold Mines Ltd. The Bharath Gold Mines Ltd., like any other land lord has to comply with the provision of the State Legislation in so far as it relates to matters other than eviction. Under the said enactment, namely, the Karnataka Rent Control Act, even to demand higher rent, in terms of Section 14 is violation of the State Act''s provisions.

 

For the reasons I have given, the order does not call for interference.

Writ petition is dismissed.