

(1988) 11 KAR CK 0022
In the Karnataka High Court
Case No : W.P. Nos. 4248-49/1986

C.K. Mohammed Kunhi

APPELLANT

Vs

State of Karnataka and Others

RESPONDENT

Date of Decision : 02-11-1988

Acts Referred:

Karnataka Rent Control Act, 1961 — Section 31

Citation : (1989) 1 KarLJ 109

Hon'ble Judges : Murlidher Rao, J

Judgement

Murlidher Rao, J.-The petitioners have prayed for striking down Sec. 31 of the Karnataka Rent Control Act ("the Act" for short) as unconstitutional. This relief stands concluded by the pronouncement of an order by this Court in H. PADMANABHA RAO v STATE OF KARNATAKA (1987(1) Kar. L.J. 176 (DB): ILR 1986(3) Kar. 2480). This Court has held that Sec. 31 of the Act is liable to be struck down on the ground that it is violative of Article 14 of the Constitution of India. The main reason given by their lordships as follows:

"10.....In view of non-variation of the classification in Section 31 of the Act, the very persons for whose benefit the Section was enacted in the year 1961 stand deprived of the said benefit. It is for this reason it can safely be said that though the original classification was made on a rational basis and it had nexus to the object sought to be achieved, by efflux of time, not only the classification has become unreasonable but it has also ceased to have nexus to the object sought to be achieved. Applying the ratio in Rattan Arya's case, Sec. 31 of the Act is liable to be struck down on the ground that it is violative of Article 14 of the Constitution."

2. In view of this, it is clear that the declaration is only prospective and not retrospective. It does not affect the decrees or orders passed earlier to the declaration. Therefore, the second relief asked for by the petitioner, namely, to declare the decree dated 9th April 1979 in O.S. 103/73 and the decree dated 8th April 1979 in O.S. No. 104/73 remain unaffected by the said declaration and it is

not possible to grant a declaration that they are invalid or bad in law. Therefore, the second relief is rejected.

Accordingly, the writ Petitions are dismissed. No costs.

3. Mr. D.R. Rajasekharappa, HCGP, is permitted to file his memo of appearance for respondents-1 and 6 within six weeks from today.

Writ Petition dismissed.