

(1957) 12 MP CK 0022

In the Madhya Pradesh High Court

Case No : Letters Patent Appeal No. 9 of 1957

George Solomon

APPELLANT

Vs

"Competent Authority" under Madhya Pradesh Govt. Premises
Eviction Act, 1952 and Another

RESPONDENT

Date of Decision : 24-12-1957

Acts Referred:

Constitution of India, 1950 — Article 14

Madhya Pradesh Government Premises (Eviction) Act, 1952 — Section 3

Citation : AIR 1958 MP 330 : (1957) ILR (MP) 613 : (1958) 3 MPLJ 578

Hon'ble Judges : P.K. Tare, J;G.P. Bhutt, J

Bench : Division Bench

Advocate : R.K. Verma and R.P. Verma, for the Appellant; M.P. Shrivastava, for the Respondent

Final Decision : Dismissed

Judgement

This order shall also govern the disposal of Letters Patent Appeal No. 10 of 1957.

The appellant George Solomon is occupying house No. 132 situate in North Civil Lines, Jabalpur, and Titus, the appellant in the connected appeal, resides in its out-houses. The premises formerly belonged to the Christian Missionary Society o? Jabalpur, and the appellants were occupying them as its tenants. The State Government purchased the property in June, 1946 and there-alter became the landlord.

The competent authority, respondent No. 1, acting under the Madhya Pradesh Government Premises (Eviction) Act, 1952, hereafter called the Act, issued notice to the appellants u/s 3 (1) (a) (ii) for vacating the premises within One month of the receipt of the notice on the ground that they were in arrears of rent for 3 months. The appellants" appeal to the Deputy Commissioner, Jabalpur, respondent No. 2, was dismissed. They, therefore, moved this Court under Article 226 of the Constitution by two separate petitions for quashing the order of eviction. The petitions were heard by Choudhuri, J. but were summarily

dismissed. Hence these appeals.

Section 3 (1) (a) (ii) of the Act provides that if the competent authority is satisfied that the person authorised to occupy any Government premises has, after the commencement of the Act, fallen into arrears of rent for three months, it may, by notice served by post or otherwise, order that that person as well as any other person who may be in occupation of the whole or any part of the premises, shall vacate them within thirty days of the date of the service of the notice. Sub-section (4) of Section 3 empowers the competent authority to evict the person, if necessary by force, from the premises, if he fails to comply with the order. Section 8 provides for penalty in case of contravention of the order.

The sole point on which the order of the competent authority is challenged is that Section 3 of the Act contravenes Article 14 of the Constitution. Reliance is placed upon *Brigade Commander, Meerut Sub-Area and Another Vs. Ganga Prasad and Another*, . That case dealt with a notice issued u/s 300 of the Government Premises (Eviction) Act, 1950, against a person who was said to be in unauthorised occupation of the Government land.

The question whether the occupation was unauthorised was disputed. That provision, therefore, affected the right of the occupant, for the de-termination of which there was no provision in the Act. There was doubtless a right of appeal to the Central Government u/s 5 of the Act, but that provision gave no right of hearing to the occupant.

In these circumstances, their Lordships held that Section 3 of the Government Premises (Eviction) Act empowering the competent authority to issue notice of eviction to a person on the ground that he was in unauthorised occupation of the Government premises, contravenes Article 14 of the Constitution. This decision, however, cannot be applied to a case where the admitted position between the Government and the occupant is that of landlord and tenant. A tenant has no legal property in the premises and is only entitled to a reasonable notice before he is asked to vacate them. This is duly, provided for in the local Act.

The Act in question is intended to provide for the eviction of persons from Government premises in certain circumstances and for matters connected therewith, and the local legislature, thought it expedient to make such a provision. The Madhya Pradesh Government Premises (Eviction) Act doubtless makes a differentiation between occupants of Government premises and those of private houses but even in the case of *Brigade Commander, Meerut*, that was considered to be an intelligible basis of differentiation.

It is now firmly established that if there is* a classification, the Court will not hold it invalid merely because the law might have been extended to other persons who in some respects might resemble the class for which the law was made, for the legislature is the best Judge of the needs of the particular classes and to estimate the degree of evil so as to adjust its legislation according to the exigency found to exist : see the observations of Das, J. (as he then was) in

Chiranjit Lal Chowdhuri Vs. The Union of India (UOI) and Others,

The State Legislature was, therefore, competent to classify the tenants of Government premises separately from the ordinary tenants. The object of the Act is to provide speedy remedy to the competent authority to evict tenants from the Government premises and keeping in view the delays that are caused in ordinary processes of law, it cannot be said that to arm that authority with such a power is unreasonable. In Baburao Shantaram More Vs. The Bombay Housing Board and Another, an exemption given to the Bombay Housing Board for its tenants from the operation of Section 4 of the Bombay Rent Control Act was not held to be discriminatory. Their Lordships observed in that connection as below :

"It is not to be expected that the Government or local authority or the Board would be actuated by any profit-making motive so as to unduly enhance the rents or eject the tenants from their respective properties as private landlords are or are likely to be. Therefore, the tenants of the Government or local authority or the Board are not in need of such protection as the tenants of the private landlords are and this circumstance is a cogent basis for differentiation.

The two classes of tenants are not by force of circumstances placed on an equal footing and the tenants of the Government or local authority or the Board, cannot, therefore, complain of any denial of equality before the law or equal protection of law. There is here no real discrimination, for the two classes are not similarly situated."

The summary power of eviction given to the competent authority under the Act cannot, therefore, be said to contravene Article 14 of the Constitution.

The result is that the appeals fail and are dismissed. In the circumstances of the case, however, there shall be no order as to costs. The outstanding amounts of the security shall be returned to the appellants.