

(1983) 07 DEL CK 0027
In the Delhi High Court
Case No : Second Appeal No. 51 of 1983

J. Malik

APPELLANT

Vs

The Cantonment Board

RESPONDENT

Date of Decision : 21-07-1983

Acts Referred:

Citation : (1983) 24 DLT 204 : (1983) 5 DRJ 298 : (1983) RLR 656

Hon'ble Judges : M.L. Jain, J

Bench : Single Bench

Advocate : M. Dayal and G.C. Lalwani, for the Appellant;

Judgement

M.L. Jain, J.

(1) The appellant was employed as a doctor with the Delhi Cantonment Board and was in occupation of the disputed premises belonging to the said Board. She retired in 1971 but did not vacate the premises. The Board filed an eviction application which was allowed by the Addl. Controller on 16-2-1982. Her appeal was dismissed by the Rent Control Tribunal on 10-1-1983. Hence, this second appeal.

(2) The only point raised in this appeal is whether the Delhi Rent Control Act, 1958 applies to the premises in question or whether the Public.. Premises (Eviction of Unauthorised Occupants) Act, 1971, applies to them. Under the definition given in Section 2(e) of the Public Premises (Eviction of Unauthorised Occupants) Act, "public premises" exclude premises belonging to a local authority. The question, Therefore, that falls for consideration is whether the Cantonment Board is a local authority. According to clause (31) of Section 3 of the General Clauses Act, 1897, local authority means, "a municipal committee, district board, body of port commissioners or other authority legally entitled to, or entrusted by the Government with, the Control or management of a municipal or local fund". The statement of objects and reasons of the Cantonments Act, 1924 clearly stipulates that the Act was meant to municipalize the government of

the Cantonments which contain a substantial civil population and further that the funds of the Cantonment shall vest in the Cantonment authority and shall be administered as a local fund. Thus, the Cantonment Board is a local authority. That clearly established that the premises belonging to the Cantonment Board are not covered by the Public Premises (Eviction of Unauthorised Occupants) Act, 1971. That apart, Sub-section (2) of Section 1 of the Delhi Rent Control Act, 1958 clearly provides that the said Act shall extend to the Delhi Cantonment Board.;

(3) Mr. Maheshwar Dayal relies on Jain Ink Manufacturing Company Vs. Life Insurance Corporation of India and Another, , but in view of the clear provisions of law, that ruling has no application to the premises in dispute. Mr. Dayal now submits that some time be given to the appellant to vacate the premises.

(4) The appeal is dismissed. However, the tenant shall be allowed one month's time to vacate. No costs.