
(1985) 02 P&H CK 0061
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 1914 of 1984

Jagjit Singh Kang and Others

APPELLANT

Vs

State of Punjab and Another

RESPONDENT

Date of Decision : 28-02-1985

Acts Referred:

East Punjab Urban Rent Restriction Act, 1949 — Section 3

Citation : AIR 1986 P&H 78 : (1985) 2 ILR (P&H) 340 : (1986) 1 RCR(Rent) 632

Hon'ble Judges : Prem Chand Jain, Acting C.J.; I.S. Tiwana, J

Bench : Division Bench

Judgement

1. The petitioners who claims to be in occupation of certain shops as tenants in Sahibzada Ajit Singh Nagar (for short S. A. S. Nagar). commonly known as Mohali and a satellite town of Chandigarh and also office bearers of an association, known as "Tenants Welfare Association," impugn the notification of the Punjab State Government, dated February 9, 1984 (Annexure P. 4) exempting the building and rented lands situated in the urban area administered by the National Area Committee, S. A. A. Nagar. This notification read as follows:--

"No S. U. 10/PA. 3/1949/S. 3/84:--

In exercise of the powers conferred by section 3 of the East Punjab Urban Rent Restriction Act, 1949 (East Punjab Act No. 3 of 1949), and all other powers enabling him in this behalf, the president of India is pleased to direct that the provisions of the aforesaid Act shall not apply to the buildings and rented lands situated in the urban area administered by the Notified Area Committee, Sahibzada Ajit Singh Nagar (Mohali), for the period commencing from 28th December, 1983, and expiring on the 31st March 1995.

Swaran Singh Boparai, Secretary to Government, Punjab, Department of Local Government, Housing and Urban Development."

The primary challenge is that u/s 3 referred to above, the Government cannot

exempt all the building or class of building or rented lands. The Government is also accused of arbitrariness on the ground that no such exemption is available to the buildings constructed in the adjoining town, i.e. Chandigarh. The object sought to be achieved by the Government with the issuance of this notification is stated in the following words:--

"1. That S. A. S. Nagar (Mohali) is a budding industrial town which needs all sorts of encouragement for its proper growth and all-round development. In this context, it was ab initio decided not to apply the provisions of the East Punjab Urban Rent Restrictions Act, 1949 to S. A. S. Nagar (Mohali). However due to certain financial and other contingencies it was deemed appropriate to constitute a Notified Area Committee in the said town. Consequently, the East Punjab Urban Rent Restriction Act, 1949 (for short "The Act") become ipso facto applicable despite the fact that it had never been and is not the intention of the Government of Punjab to extend the provisions of the Act to the Urban areas of S. A. S. Nagar. In order to meet this predicament. the Government had no choice except to exempt the town from the purview of the Act, so that the construction and development activities in the said town can be given a fillip and boost.

2. Having heard the learned counsel for the parties at some length, we do not find any merit in this petition. It is the settled position that the Courts, are normally not concerned with the policy of the Legislature or with the result of giving effect to the language of a statute. Equally settled is the proposition that the manner and intendment of the Legislature which is always presumed to be valid has to be effectuated and not negated by process of interpretation by Courts. The argument that with the specification of the area within which the buildings or rented lands exempted or sought to be exempted or sought to be exempted are situated the present notification goes outside the ambit of section 3 of the Act, does not appeal to us at all. this section reads as follows:--

"The State Government may direct that all or any of the provisions of this Act shall not apply to any particular building or rented land or any class of buildings or rented lands;"

The building or rented lands located within the notified area of S. A. S. Nagar apparently form a class by themselves as compared to buildings and rented lands located in all other urban areas to which the Act is applicable. Similarly the argument that the exemption of the buildings and the rented lands situated in this urban area from the provisions of the Act when no such exemption exists in the case of the buildings and rented lands located in the adjoining town of Chandigarh, per se amounts to arbitrariness on the part of the Government, deserves to be rejected outright. The Punjab Government obviously has no jurisdiction over the areas forming part of the Union Territory of Chandigarh and thus the action or non-action of the Union Territory authorities cannot possibly render any of its action as arbitrary.

3. Thus we dismiss this petitioners in limine with no order as to costs.

4. Petition Dismissed.