

(2019) 11 UK CK 0093

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 1471 Of 2006

Jai Prakash Bahukhandi

APPELLANT

Vs

District Judge, Haridwar & Others

RESPONDENT

Date of Decision : 13-11-2019

Acts Referred:

Uttar Pradesh Urban Buildings (Regulation Of Letting, Rent And Eviction) Act, 1972 —
Section 12, 16

Citation : (2019) 11 UK CK 0093

Hon'ble Judges : Sudhanshu Dhulia, J

Bench : Single Bench

Advocate : D.S. Mehta, N.S. Negi, Anurag Bisaria

Final Decision : Dismissed

Judgement

Sudhanshu Dhulia, J

1. The petitioner has filed a belated substitution application (CLMA No.7920 of 2019) for substituting the legal heirs of respondent nos.3 & 4, who according to the petitioner, died in the year 2008.
2. The grounds shown in the delay condonation application (CLMA No.7921 of 2019) seem to be just and bona fide. Consequently the delay condonation application is allowed. The delay in filing the substitution application is hereby condoned.
3. In the interest of justice, substitution application is allowed. Let the necessary substitution be incorporated in the memo of parties during the course of the day.
4. The petitioner before this Court has been allotted a residential accommodation in a building which comes under the purview of the Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972 (from hereinafter referred to as the "Act"). It seems that the erstwhile tenant on the said property gave an application to the District Magistrate, Haridwar that he wants to vacate

the premises. Thereafter in view of Section 12 of the Act read with Rule 8 framed thereunder, the next procedure should have been declaration of vacancy. Evidently this has not been followed in its letter and spirit and the premises was allotted under Section 16 of the Act. However, it is apparent that the allotment procedure as given under Rule 10 has not been followed as there is no reference by the District Magistrate, Haridwar as to the process which he has adopted while allotting the premises in favour of the petitioner.

5. The admitted case of the petitioner is that he is the only applicant for the allotment of the premises. This matter was then taken into a revision by the private respondents stating that there was no inspection or notice given as required under the Act and the Rules framed thereunder.

6. Consequently, the revisional court has remanded the matter back to the Allotment Officer vide order dated 15.09.2006.

7. This Court finds no anomaly in the order dated 15.09.2006 passed by the revisional Court.

8. Consequently the writ petition fails and it is hereby dismissed. Interim order dated 26.09.2006 is hereby vacated.