
(2000) 09 AHC CK 0076
In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition Nos. 4349 and 4355 of 1982

Kashi Nath

APPELLANT

Vs

Bhagwan Das Sharma and Others

RESPONDENT

Date of Decision : 06-09-2000

Acts Referred:

Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972 —
Section 21(1)(a)

Citation : (2000) 09 AHC CK 0076

Hon'ble Judges : R.H.Zaidi, J

Final Decision : Dismissed

Judgement

R.H. Zaidi, J.—In both these petitions, common questions of law and fact are involved, therefore, they were heard together and are being disposed of by this common judgment. Writ Petition No. 4349 of 1982 shall be the leading case.

Heard learned Counsel for the parties.

2. By means of this petition filed under Article 226 of the Constitution of India, petitioners pray for issuance of a writ, order or direction in the nature of certiorari quashing the order dated 30/11/1982 whereby the appeal filed by the petitioners was dismissed by the Appellate Authority and the order dated 31/8/1981 whereby the application for release of the building in question was dismissed by the Prescribed Authority.

3. It appears that the petitioners filed an application under Section 21(1) (a) of the U.P. Urban Buildings (Regulation of

? Letting, Rent and Eviction) Act, 1972 (U.P. Act No. XIII of 1972), for short the Act on the ground of personal need which consisted of residential as well as business premises. The said application was objected to and opposed by the contesting respondent No. 1, since deceased. The Prescribed Authority, after going through the material on the record, recorded findings on the questions of bona fide need and comparative hardship against the petitioner by its judgment

and order dated 3181981. Challenging the validity of the said order, an appeal was filed by the petitioners before the Appellate Authority. The Appellate Authority also affirmed the findings recorded by the Prescribed Authority and dismissed the appeal. Hence, the present petition.

4. Learned Counsel for the petitioners vehemently urged that the findings recorded by the Appellate Authority are perverse. It was also contended that the petitioners moved an application for spot inspection but the said application was not allowed illegally by the Prescribed Authority. It was urged that the Appellate Authority dismissed the appeal on the ground that the petitioner failed to place on the record the details of the accommodation, which was stated to be in possession of the respondents.

5.1 have considered the submissions made by the learned Counsel for the petitioners and also perused the record.

The findings recorded by the authorities below on the questions of need and hardship, are concurrent findings of fact, which are based on the relevant evidence on record. I do not find any illegality or infirmity in the said findings. So far as the spot inspection is concerned, the application filed by the petitioner was rejected by the Prescribed Authority. The petitioner did not challenge the validity of the said order immediately after the said order was passed. Even in the appeal, on request appears to have been made that a commission should be issued for making spot inspection of the building in question which was stated to be in occupation of the respondents. Therefore, at this stage, it cannot be urged that it was necessary to get the building inspected. No case for interference under Article 226 of the Constitution of India is made out.

6. In view of the aforesaid discussion, this petition fails and hereby dismissed.

7. A copy of this order may be placed on the record of the Writ Petition No. 4355 of 1982. Petition dismissed.