
(2000) 02 AHC CK 0090

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 9602 of 2000

Mohd. Jalil

APPELLANT

Vs

Vth Addl. Distt Judge, Allahabad and Others

RESPONDENT

Date of Decision : 22-02-2000

Acts Referred:

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

Citation : (2000) 02 AHC CK 0090

Hon'ble Judges : S.N.Agarwal, J

Final Decision : Dismissed

Judgement

Sudhir Narain, J.—This writ petition is directed against the order of the Prescribed Authority dated 2481999 allowing the release application filed by the landlordrespondent No. 3 under Section 21(I)(a) of U.P. Act No, 13 of 1972 (in short the Act) and the order of the Appellate Authority dated 22111999 affirming the said order in appeal.

2. Landlordrespondent No. 3 filed an application for release of the disputed shop with the allegations that he has a shop measuring 10" X 8" and is carrying on business of sale of medicine. He requires the disputed shop to extend business and also provide accommodation to Doctor sitting in Chamber for the purpose of advising the patients whereby the medicine can be sold easily. The petitioner contested the application and denied that the need of the landlord was bonafide.

3. The Prescribed Authority recorded a finding that the version of the respondent No. 3 is correct and he bonafide needs the accommodation and if his application is rejected, he would suffer a greater hardship. The petitioner has a Hair Cutting Saloon and he can shift his business at any other place. These orders have been challenged in the present writ petition.

4. I have heard Sri Ravi Shanker Prasad, learned Counsel for the petitioner and Sri K.M. Dayal, learned Counsel for the contesting respondent.

5. Learned Counsel for the petitioner contended that the respondent No. 3 has obtained two other shops converted them into one shop and if he needed the shop, there was no justification for him to convert those shops into one. The petitioner did not specify such shops and their locations. A Commissioner was appointed and he found that the respondent No. 3 has no other alternative accommodation for medical shop.

6. In view of the findings recorded by the authorities below, I do not find that there is any manifest error of law in the impugned orders. The writ petition is, accordingly, dismissed.

7. In the end, learned Counsel for the petitioner prayed that some time may be granted to the petitioner to vacate the disputed premises. Considering the facts and circumstances of the case, the petitioner is granted six months time to vacate disputed premises provided he gives an undertaking on affidavit before the Prescribed Authority within two weeks from today that he will vacate the disputed premises within the time granted by this

Court and would hand over its peaceful possession to the landlord respondent No. 3. Petition dismissed.