

(2000) 03 AHC CK 0096

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 20278 of 1998

Mohd. Qasim

APPELLANT

Vs

IInd Addl. District Judge, Varanasi and Others

RESPONDENT

Date of Decision : 03-03-2000

Acts Referred:

Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972 —
Section 21(1)(a), 21(7)

Citation : (2000) 03 AHC CK 0096

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

Final Decision : Allowed

Judgement

Sudhir Narain, J.—This writ petition is directed against the judgment and order of the prescribed authority dated 3081986 whereby, the disputed shop was released in favour of the landlordrespondent and the order of the appellate authority dated 289 1988 releasing the disputed shop to the extent of 1/2 portion.

2. The facts of the case in brief are that the landlordrespondents, Noor Jehan and Badri Prasad, purchased the disputed house from one Behari Lal by way of a registered deed dated 112 1977. They filed an application for release of the disputed shop. It was alleged that the landlady, Noor Jehan, required the disputed shop for carrying business. This application was contested by the petitioner. The prescribed authority recorded a finding that the disputed shop was required for carrying the business by the landlady. This finding was confirmed by the appellate authority. It was found further that Badri Prasad also required the disputed shop for carrying his business.

3. I have heard Sri M.A. Qadeer learned counsel for the petitioner and Sri Merajuddin learned counsel for Respondent No. 5, who was impleaded during the pendency of the writ petition.

4. The application under Section 21(l)(a) of the Act was filed by Smt. Noor Jehan and Badri Prasad. They expired during the pendency of the writ petition. The heirs of Noor Jehan is alleged to have executed saledeed in favour of Shahnaz

Parveen. She filed an application for impleadment in this writ petition. Her application has been allowed.

5. In view of the fact that now Respondent No. 5 has purchased the property, neither Respondent No. 3 nor Respondent No. 4 nor their heirs are interested in the matter.

6. In view of the above the orders passed by Respondent No. 1 dated 3081986 and 2891988 are hereby quashed. The matter will be examined by the prescribed authority afresh and will consider the matter in accordance with law on the need set up by Respondent No. 5, keeping in view the provisions of Section 21(7) of U.P. Act No. 13 of 1972.

7. The writ petition is allowed and the case is directed to be decided by the prescribed authority afresh in accordance with law.

Considering the facts and circumstances of the case the parties shall bear their own costs.

? Petition allowed.