
(1996) 09 AHC CK 0041

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 2217 of 1994

Mohd. Saeedul-Zafar

APPELLANT

Vs

Rent Control and Eviction Officer/City Magistrate Rampur &
Anr.

RESPONDENT

Date of Decision : 11-09-1996

Acts Referred:

Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972 —
Section 12, 2(1)(bbb)

Citation : (1996) 09 AHC CK 0041

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

Judgement

R.H. Zaidi, J.—Heard learned counsel for the petitioner. In spite of service of notices, none appeared for respondent No. 2.

2. Present petition arises out of proceedings under Section 12 of U.P. Act No. XIII of 1972, for short "the Act", and is directed against the order dated 10/11/1994 whereby the building in question has been declared vacant by respondent No. 1. Without going into the controversy involved in the present case. The writ petition may be allowed on the short ground that pending the disposal of this petition in this Court, U.P. Act No. V of 1995 was enforced w.e.f. 26/9/1994. Section 2 of the Act was amended by the Amending Act. Clause (bbb) was added in subsection (1) of Section (2) of the Act which reads as under:

"2. Exemptions from operation of the Act (1) Nothing in this Act shall apply to the following, namely:

(a).....

(b).....

(bb)???.

(bbb) Any building belonging to or vested in a waqf including a waqfalalaulad."

3. The building in question admittedly belongs to waqf (waqfalalkhair), therefore,

the same is now out of the purview of the Act. The building being exempted from the operation of the Act, no further proceeding for allotment or release in respect of the same can be taken. The order declaring vacancy also deserves to be quashed.

4. In view of what has been stated aboved, the order dated 1011994 is hereby quashed. It is further directed that no further proceeding under the Act shall be taken in respect of the building in question.