

(1996) 09 AHC CK 0068

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 30545 of 1996

Narendra Singh

APPELLANT

Vs

VIIth Addl. D.Judge, Dehradun, & Ors.

RESPONDENT

Date of Decision : 20-09-1996

Acts Referred:

Transfer of Property Act, 1882 — Section 106
Uttar Pradesh Public Premises (Eviction of Unauthorised Occupants) Act, 1972 —
Section 2(2)
Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972 —
Section 2(1)(a)

Citation : (1996) 09 AHC CK 0068

Hon'ble Judges : M.Katju, J

Final Decision : Dismissed

Judgement

M. Katju, J.—This writ petition has been filed against the impugned orders dated 1041989 and 2181996, annexures 3 and 8 to the writ petition.

2. I have heard Sri Rajesh Tandon, learned counsel for the petitioner and find no illegality in the impugned order. The building in question belongs to Life Insurance Corporation of India which is a public sector undertaking. Hence it is not covered by the U.P. Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972 in view of section 2(1) (a) of the Act. The petitioner claims to be the tenant of the Life Insurance Corporation of India but since the building is not covered by the Rent Control Act, the tenant has no protection under this Act. The building is covered by the U.P. Public Premises Act, 1971 because Sections 2(2) of the Act states that any premises belonging to, or taken on lease on behalf of, any Public Sector Corporation is a public premises. Since, there is no dispute that the L.I.C. is a public sector corporation, the petitioner can be validly evicted after giving notice under Section 106 of the Transfer of Property Act under the Public Premises Act because after his tenancy is terminated he is an unauthorised occupant.

3. Under the circumstances, this writ petition is dismissed but I grant one year's

time to the petitioner to vacate the premises in dispute. The petitioner will handover peaceful and vacant possession to the respondent, Life Insurance Corporation on or before 29.09.1997 and shall pay the damages at the rate of Rs. 200 per month regularly till then.