

(2000) 09 SC CK 0055

In the Supreme Court Of India

Case No : Writ Petition (C) No. 660 of 1998 with I.A. No"s. 2-3 in C.A. No"s. 2797-98 of 1992

Property Owners Association and Others

APPELLANT

Vs

State of Maharashtra

RESPONDENT

Date of Decision : 12-09-2000

Acts Referred:

Constitution of India, 1950 — Article 31C

Citation : (2002) 4 SCALE 132 : (2000) 6 SCALE 571

Hon'ble Judges : K.G. Balakrishnan, J;Doraiswamy Raju, J;B. N. Kirpal, J

Bench : Full Bench

Judgement

B.N. Kirpal, Doraiswamy Raju and K.G. Balakrishnan, JJ.—We have heard Mr. F.S. Nariman, the learned senior counsel for the petitioners, at length. It has been brought to our notice that in another case entitled Property Owners' Property Owners' Association and Others Vs. State of Maharashtra and Others, has referred that case to a Constitution Bench. In that case the constitutional validity of Maharashtra Housing and Area Development Act, 1976 was challenged and one of the contentions which was sought to be raised, which was the reason for the reference to the Constitution Bench, was whether Article 31C survived or not in view of the decision of this Court in His Holiness Kesavananda Bharati Sripadagalvaru Vs. State of Kerala, . The present case relates to the validity of that part of the Maharashtra Rent Control Act, 1999 insofar as it relates to the fixation of the standard rent specially in relation to the premises prior to 1.10.1987.

2. In the present case also the respondents have sought to rely on the provisions of Article 31C so as to contend that no part of this Act can be impugned. In view of this stand Mr. Nariman states that he will have to contend on behalf of the petitioners that Article 31C does not survive, the contention which was raised in the aforesaid case which has been referred to a Constitution Bench.

3. In view of the aforesaid it would, in our opinion, be more appropriate that this

case alongwith the I.A. Nos. 2 and 3 in Civil Appeal Nos. 2797-98/1992 as well as the Writ Petition and the connected matters are referred to a larger Bench to be heard alongwith the case - Property Owners' Association and Others Vs. State of Maharashtra and Others, . We may record that Mr. Nariman states that the question of applicability of Article 31C would not arise in regard to the I.A. Nos. 2 and 3 which is essentially concerned, according to him, with the non-implementation of the decision of this Court in Malpe Vishwanath Acharya and Others Vs. State of Maharashtra and Another, .

4. To be placed before Hon'ble the Chief Justice for appropriate orders. Liberty to mention.