
(2000) 03 AHC CK 0064

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 42240 of 1999

Ram Kali and Others

APPELLANT

Vs

District Judge, Jhansi and Others

RESPONDENT

Date of Decision : 01-03-2000

Acts Referred:

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

Citation : (2000) 03 AHC CK 0064

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

Final Decision : Dismissed

Judgement

Sudhir Narain, J.—This writ petition is directed against the order dated 30111998 passed by the prescribed authority releasing the disputed accommodation in favour of the landlord Respondent No. 3 and the order of the appellate authority dated 891999 affirming the said order in appeal.

2. Respondent No. 3 filed an application for release of the disputed accommodation with the allegations that he was in Government service and was provided with a Government accommodation. He retired from service in December, 1997. He requires the disputed accommodation for residential purposes which is under the tenancy of the petitioners.

3. The prescribed authority allowed the application on the finding that Respondent No. 3 was a Government servant and was provided with a Government accommodation but had to vacate on retirement. This order has been affirmed by the appellate authority.

4. I have heard Sri R.P. Tiwari, learned Counsel for the petitioners and Sri Pranav Mukerji, holding the brief of Sri VD. Ojha, learned Counsel for the contesting respondents.

5. Learned Counsel for the petitioners contended that Respondent No. 3 has obtained House No. 11/18 situate in Mohalla Panna Lal Compound, Sadar Bazar,

Jhansi and as he has obtained the possession of an accommodation, the application filed by the landlord under Section 21 (1A) of U.P. Act No. 13 of 1972 (in short the Act) is not maintainable. Respondent No. 3 is prepared to give possession of the said house to the petitioners.

6. Learned Counsel for the petitioners submitted that in the said building there is tiled roof and it requires replacement by a slab roof. The petitioners can get repaired or replace roof by slab construction and make necessary repairs required for residential purposes at their own costs.

7. In view of the above the writ petition is partly allowed with the direction that the landlordRespondent No. 3 shall give possession of house No. 11/18, Mohalla Panna Lai Compound, Sadar Bazar, Jhansi to the petitioners of which he is landlord within one month from today. The petitioners can make repairs at their own cost as stated above and will shift to the said house within two months thereafter.

8. If there is any difficulty in executing this order, necessary application can be filed by either of the parties before the prescribed authority.

The petitioners shall be liable to pay Rs. 30 per month as rent for the accommodation, which is being provided by the landlord respondent.