
(1999) 08 P&H CK 0052
In the Punjab And Haryana At Chandigarh
Case No : Civil Revision No. 3475 of 1998

Rattan Chand

APPELLANT

Vs

Swaran Singh

RESPONDENT

Date of Decision : 31-08-1999

Acts Referred:

East Punjab Urban Rent Restriction Act, 1949 — Section 2

Citation : (2000) 124 PLR 448 : (2000) 1 RCR(Rent) 68

Hon'ble Judges : V.S. Aggarwal, J

Bench : Single Bench

Advocate : B.R. Mahajan, for the Appellant; A.S. Cheema and S.P. Soi, for the Respondent

Final Decision : Dismissed

Judgement

V.S. Aggarwal, J.—The present revision petition has been filed by Rattan Chand petitioner directed against the order of the learned Rent Controller, Amritsar, dated 24.4.1998. By virtue of the impugned order, the learned Rent Controller had accepted the eviction application filed by the respondent and passed an order of eviction against the petitioner. The petitioner was directed to hand over the vacant possession of the suit premises to the respondent within two months.

2. The relevant facts are that the respondent-landlord had filed an application u/s 13-A of the East Punjab Urban Rent Restriction Act (for short "the Act") for eviction of the petitioner alleging that the petitioner had taken two rooms on rent. The respondent was employed as a Boiler Attendant with the Gurdaspur Sugar Mills which is owned by Punjab Khand Udyog Limited, a Public Sector Undertaking. He retired on 30.11.1989. He was again taken in service for two years. He bona fide requires the suit premises for his own occupation because he is not occupying any other residential building sufficient for his accommodation. He has not vacated any other building without any sufficient cause. The accommodation in the house at Chowk Baba Bhoriwala, Amritsar, is utterly insufficient. The family of the respondent is stated to be comprised of his brother

and two sons of his brother, namely, Ranbir Singh and Manmohan Singh. Ranbir Singh has three children while Manmohan Singh has one married daughter besides another daughter of marriageable age. The other children also visit the respondent now and then.

3. Permission to contest had been granted to the petitioner. In the written statement filed, he asserted that the respondent was not a specified landlord. The respondent had sufficient accommodation with him. Three rooms with the respondent are lying vacant. He is in possession of seven rooms and two kitchen.

4. The learned Rent Controller framed the issues and concluded that the respondent bona fide requires suit premises and that he was a specified landlord.

5. In this Court, the sole controversy which became the subject matter of the controversy was as to if the respondent was a specified landlord or not. The expression "specified landlord " has been defined in Section 2 (hh) of the Act. It reads as under :-

"2(hh) "specified landlord" means a person who is entitled to receive rent in respect of a building on his own account and who is holding or has held an appointment in a public service or post in connection with the affairs of the Union or State."

6. As per petitioner's learned counsel, the respondent was not holding an appointment in public service in connection with the affairs of the Union or State. In other words, if the respondent is holding an appointment in public service or post in connection with the affairs of the Union or State, necessarily he would be a specified landlord.

7. The expression "affairs of the State" had been considered by the Supreme Court in the decision rendered in the case of *The State of Punjab Vs. Sodhi Sukhdev Singh*, . The Supreme Court was concerned with section 123 of the Evidence Act. It was held that where the legislature has advisedly refrained from defining the expression "affairs of State" it would be inexpedient for judicial decisions to attempt to put the said expression into a straight jacket of the definition Judicial evolved. Necessarily, the facts and circumstances of each case have to be looked into. Rajasthan High Court in the case of *Kotah Match Factory Kotah Vs. State of Rajasthan*, , however, concluded as under :-

" At the time when the Evidence Act was enacted the "Affairs of the State " might have had a narrow conception. "Affairs of the State" then might have related to the matters of political or administrative character relating, for instance, to the national defence, public peace, security and good neighborly relations. But on account of the changed conception of the functions of the State, the State in pursuit of its welfare activities undertakes to an increasing extent activities, which were in the past treated as purely commercial matters undertaken by the State are apt to claim the privilege relating to the "Affairs of the State" in accordance with Section 123 of the Evidence Act; vide the *The*

State of Punjab Vs. Sodhi Sukhdev Singh, "

8. Necessarily, one has to travel back to the facts of the case to arrive at a conclusion if the respondent was holding a post in connection with the affairs of the State or not.

9. But before doing so, the Court can conveniently refer to some of the precedents on the subject. In the case of Shri Fateh Chand Verma v. Shri Balbir Singh (1987)89 P LR 414, the landlord had held the appointment in the New Delhi Municipal Committee. It was held that he was holding a post in connection with the affairs of the State. Similarly, in the case of Shri Om Parkash Tuli Vs. Shri Vidya Bhushan Nagar, , the landlord was an employee of the Food Corporation of India. It was held that Food Corporation of India was an instrumentality of the State and, therefore, the landlord could claim that he was a specified landlord. Same view prevailed with this Court in the case of Khushi Ram Sood Vs. Muneshwar Lal Kaushal, . The landlord herein was in the service of the Jammu and Kashmir Minerals Limited (J&K Government Undertaking). Once again, it was held that he was a specified landlord.

10. In the present case in hand, Gurdaspur Sugar Mills owned by Punjab Udyog Limited (Punjab Sector Undertaking of P.S.I.D.C.). as is borne from the record, is an instrumentality of the State. On it is an instrumentality of the State, necessary consequence would be that the petitioner must be held to be a specified landlord. In the context in which the expression "specified landlord " has been used clearly show that it has to be given a broad meaning. The landlord held an appointment obviously in public service connected with the affairs of the State.

11. For these reasons, there is no ground to interfere with the impugned order. The revision petition must fail and is accordingly dismissed.

12. The petitioner is granted two months time to vacate the suit premises.