
(2014) 04 UK CK 0018
In the Uttarakhand High Court
Case No : Writ Petition No. 721 (MS) of 2014

Sardar Charanjeet Singh and Others	Vs	APPELLANT
Jahuran and Others		RESPONDENT

Date of Decision : 04-04-2014

Acts Referred:

Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972 —
Section 26, 28-B

Citation : (2015) 110 ALR 852 : (2015) 1 UC 393

Hon'ble Judges : Alok Singh, J.

Bench : Single Bench

Advocate : K.N. Joshi, Advocate, for the Appellant

Final Decision : Dismissed

Judgement

Alok Singh, J. Landlord/petitioner has filed present petition assailing the order dated 11.03.2014 passed by Prescribed Authority/Civil Judge (SD), Dehradun in Misc. Case No. 12 of 2013. Learned counsel for the petitioner submits that against the tenant/respondents, a suit for eviction being JSCC No. 21 of 2013 is pending disposal before Judge, Small Causes Court, Dehradun, therefore, after termination of tenancy, tenant/respondents have absolutely no right to get the electricity connection installed in the disputed premises and learned Prescribed Authority was not competent to permit the tenant/respondents to get the electricity connection installed in the disputed property.

2. I do not agree with submissions made by Mr. K.N. Joshi, Advocate, appearing for the petitioner, for the following reasons:

i. Section 28-B of the U.P. Act No. 13 of 1972 reads as under :

"28-B. Tenant's right to get water connection and sanitary fittings in-stalled.-

Notwithstanding anything contained in any law for the time being in force relating to a local authority, the tenant (including a sub-tenant) shall have the

right to get water connection, electric connection and sanitary fittings installed in the building under his tenancy at his own cost, and the provisions of sub-section (3) of Section 26 shall apply in relation to every such installation."

A perusal of Section 28-B would demonstrate that tenant including sub tenant shall have right to get water connection, electricity connection and sanitary fittings installed in the building under his tenancy at his own cost.

ii. No eviction order has been passed as yet against the tenants/respondents and merely because suit for eviction is pending against the tenants/respondents, cannot be made basis of depriving the tenants/respondents from the basic amenities like electricity and water connection, which they can install at their own cost and in the event, suit for eviction is decreed against them, they shall not be entitled for any cost from the landlord.

3. I do not find any merit in the petition, which seems to be abuse of process of law, therefore, present petition is dismissed in limine. CLMA No. 3161 of 2014 also stands disposed of.