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(2010) 10 AHC CK 0011

In the Allahabad High Court

Case No : Misc. Single No. 6109 of 2010

Smt. Ram Kali — APPELLANT

Vs

Additional District Judge, Court No. 8, Lucknow and Others — RESPONDENT

Date of Decision : 07-10-2010

Acts Referred:

Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972 — Section 21, 22

Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) Rules, 1972 — Rule 7(7)

Citation : (2011) 2 RCR(Criminal) 73

Hon'ble Judges : Anil Kumar, J

Bench : Single Bench

Judgement

Anil Kumar, J.—Heard Sri Virendra Mishra, learned counsel for the petitioners and learned Standing Counsel on behalf of the respondent no. 1. Issue notices to the respondent nos. 2 to 5 are dispensed with.

2. With the consent of the parties'' counsel, writ petition is disposed of finally at admission stage.

3. Sri Virendra Mishra, learned counsel for the petitioners submits that appeals filed by the contesting respondents numbered as [Rent Appeal No. 29 of 2008 Sunder Kaur and others v. Ram Kali and others and Rent Appeal No. 36 of 2009 Gurudeep Singh and others v. Ram Kali and others] u/s 21 of the U.P. Act No. XIII of 1972 are pending before the respondent no. 1 i.e. Additional District Judge, Court no. 8, Lucknow and the same are lingering in the ends of the said authority.

4. Learned counsel for the petitioners further submits that in view of the provisions as provided under Rule 7(7) of U.P. Urban Buildings(Regulation of letting, Rent and Eviction) Rules, 1972 reads as under :-

(7) As far as possible, a revision u/s 18 shall be decided within one month, an

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appeal or revision u/s shall be decided within two months, and an appeal u/s 22 shall be decided within six months from the date of its representation.

5. Accordingly, learned counsel for the petitioner prays that the respondent no. 1 may be directed to dispose of the Rent appeals in question expeditiously at an early date.

6. I have heard learned counsel for the parties and gone through the record.

7. Needless to mention that in the case of Manju Devi (Smt.) v. Additional District Judge, VIII, Allahabad and others 2007 (3) ARC 128, this Court held as under :-

The matters of tenancy between landlord and tenant has serious consequences and also reflects upon the judiciary. The question of delay in a primary responsibility of the Court and they must strive to decide the cases in time prescribed under the statute pertaining under the Uttar Pradesh (Regulation of Letting Rent and Eviction)Act, 1972 with Rules framed thereunder. If the authorities appointed under the aforesaid Act and Rules failed in their duties cast upon them by deciding cases first beyond the time prescribed under the Act, then it is to be treated as serious misconduct calling for action against the said officer.

8. For the foregoing reasons, respondent no. 1 (Additional District Judge, Court no. 8, Lucknow) is directed to consider and decide the Rent Appeal No. 29 of 2008 Sunder Kaur and others v. Ram Kali and others and Rent Appeal No. 36 of 2009 Gurudeep Singh and others v. Ram Kali and others u/s 21 of the U.P. Act No. XIII of 1972, within a period of four months after receiving the certified copy of this order in accordance with law.

9. It is clarified that this Court has not adjudicated the claim of the petitioner on merit.

10. With the above observation, writ petition is disposed of finally.

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