

(1995) 10 SC CK 0024

In the Supreme Court Of India

Case No : Civil Appeal No. 9909 of 1995

State of M.P. and Another

APPELLANT

Vs

Chintamani Agarwal (Smt.) and Others

RESPONDENT

Date of Decision : 19-10-1995

Acts Referred:

Madhya Pradesh/Chhattisgarh Accommodation Control Act, 1961 — Section 3(2)

Citation : (1999) 2 JLJ 379 : (1999) 6 SCC 371

Hon'ble Judges : S. Saghir Ahmad, J;Kuldip Singh, J

Bench : Division Bench

Final Decision : Disposed Of

Judgement

1. Special leave granted.

2. The State of Madhya Pradesh in exercise of the powers under Sub-section (2) of Section 3 of the M.P. Accommodation Control Act, 1961 (the Act), exempted all buildings owned by the Madhya Pradesh Wakf Board (Board) from the operation of the Act. The notification dated 7.9.1989 granting exemption to the Board under the above-mentioned provision of the Act was challenged before the High Court. The High Court quashed the notification on the short ground that there was no material before the State Government to reach the satisfaction that it was necessary to issue the impugned notification

3. Learned Counsel for the State of M.P. has invited our attention to the letter dated 26.3.1976, by the then Prime Minister of India addressed to the Chief Minister of the State of M.P., suggesting, for the reasons given in the said letter, to grant exemption of the provisions of the Act to the properties owned by the Wakf. Thereafter, the State of M.P. made enquiries from various other States in this respect. On receipt of the replies, the matter was considered and thereafter, the exemption notification was issued. We are satisfied that there was sufficient material before the State Government for issuing the impugned notification. We, therefore, set aside the impugned judgment of the High Court. We seek support

from the judgment of this Court in S. Kandaswamy Chettiar Vs. State of Tamil Nadu and Another,

4. Learned Counsel for the Respondents, however, states that the Respondents are prepared to pay the market rent provided the Board permits them to continue as tenants. The Respondents may approach the Board in this respect. Learned Counsel appearing for the Board very fairly states that the offers of the Respondents will be considered sympathetically. The appeal is disposed of. No costs.