

(1984) 07 SC CK 0004

In the Supreme Court Of India

Case No : Civil Appeal No. 2000 of 1971

State of Uttar Pradesh

APPELLANT

Vs

Bhupat and Others

RESPONDENT

Date of Decision : 19-07-1984

Acts Referred:

Constitution of India, 1950 — Article 14

Citation : AIR 1984 SC 1828 : (1984) 4 SCC 237 : (1984) 16 UJ 1109

Hon'ble Judges : V. Balakrishna Eradi, J;D. A. Desai, J

Bench : Division Bench

Advocate : Shobha Dikshit, for the Appellant; E.C. Aggarwal, for the Respondent

Final Decision : Disposed Of

Judgement

D.A. Desai, J.—This appeal arises from a judgment rendered by learned Single Judge of the Allahabad High Court in Writ Petition No. 1947 of 1968. In the writ petition, constitutional validity of U. P. Public Land (Eviction and Recovery of Rent and Damages) Act XIII of 1959 (U.P. Act for short) was questioned. The learned Judge following the decision of the Full Bench of the same High Court in Raja Ram Verma Vs. State of U.P. and Others, held that the provisions of the impugned Act were violative of Article 14 because it denied equality before law and was thus ultra vires the Constitution. Against the judgment of the High Court the State of U.P. has preferred this appeal by certificate.

2. Much water has flown across the Yamuna since the decision of the Allahabad High Court. In Maganlal Chhaganlal (P) Ltd. Vs. Municipal Corporation of Greater Bombay and Others, . Constitution Bench of seven Judges of this Court upheld the validity of various provisions of the Bombay Municipal Corporation Act 1888 which provided a different and a summary procedure for eviction from municipal premises. The impugned statute provided a different procedure and forum for recovering possession of the premises governed by it and the reasons which weighed with the Constitution Bench for upholding the validity of identical provisions of the Bombay Municipal Corporation Act would apply mutatis

mutandis to the present case with the result that the judgment of the High Court cannot stand. Further in Jai Datt Vs. State of Uttar Pradesh and Others, constitutional validity of the U.P. Act was questioned. After referring to the decision in Maganlal Chhaganlal's case it was observed that the contention that the provisions of the impugned Act were violative of Article 14 no more survives and is concluded by the aforementioned decision. There was no alternative ground of attack. Therefore, in view of the above mentioned two decisions the challenge against the constitutionality of the impugned statute cannot be upheld and consequently the decision of the High Court has to be reversed. Accordingly this appeal is allowed and the judgment of the High Court is set aside and the writ petition of the respondent is dismissed with no order as to costs.