
(1970) 10 KL CK 0008
In the High Court Of Kerala
Case No : C.R.P. No. 1480 of 1969

The Electric and Motor Works (P) Ltd.	APPELLANT
Vs	
Y.W.C.A., Trivandrum	RESPONDENT

Date of Decision : 26-10-1970

Acts Referred:

Kerala Buildings (Lease and Rent Control) Act, 1965 — Section 11, 11(7)

Citation : (1971) KLJ 75

Hon'ble Judges : K. Sadasivan, J

Bench : Single Bench

Advocate : S. Easwara Iyer, for the Appellant; C.M. Kuruvilla, for the Respondent

Final Decision : Dismissed

Judgement

K. Sadasivan, J.—This revision petition is filed by the tenant against the order of eviction passed in a B.R.C. proceeding. The eviction petition was filed by the landlord The Young Women's Christian Association, Trivandrum City under S. 11 (7) of the Kerala Buildings (Lease & Rent Control) Act 2 of 1965, alleging that the building in question is required by them for expanding its activities and in particular, to provide accommodation for tourists as part of its service project. For that purpose the building had to be remodelled and reconstructed. The respondent-tenant contended that the petitioner is not a religious or charitable association or a public institution so as to justify the filing of the petition under S. 11(7) of the Act. According to the respondent, the petitioner is only a social service association partaking the character of a club, providing hostel accommodation for women students, on payment of room rent etc. The allegation that the building is needed for expanding the activities of the Y.W.C.A. was denied. There is sufficient space within the Y.W.C.A. compound itself, for constructing additional buildings. The building is not needed to provide the accommodation for tourists. The learned Controller repelling these contentions, ordered eviction. In appeal the learned Appellate Authority reversed that decision; but on revision to the learned District Judge the decision of the

Appellate Authority was quashed and eviction was ordered. It is against that order that tenant has come up in revision. The main contention taken up before this Court is that the petitioner is not a religious, charitable or other public institution. It was also contended in the alternative that even if it found to be a public institution coming within the Section, the building is not needed for purposes of the institution. Clause (7) of Section 11 reads:

Where the landlord of a building is a religious, charitable, educational or other public institution, it may, if the building is needed for the purposes of the institution, apply to the Rent Control Court, for an order directing the tenant to put the institution, in possession of the building.

2. In furtherance of the first point namely, that the petitioner is not a public institution, the contention was that the activities of the institution are confined only to the women of Trivandrum and as such, the association cannot be said to be a public institution. Article 3 of the objects of the Trivandrum Young Women's Christian Association reads:

The object of this Association shall be to promote the spiritual, social intellectual and physical welfare of the women of Trivandrum and to present fellowship and service as the ideal life.

3. The word "public" is wide enough to include within its connotation a section of the public. One of the meanings given to the word "public" in the shorter Oxford Dictionary is "devoted or directed to the promotion of the general welfare." The meaning given in the Webster's New International Dictionary Vol. II of the English language is:

public--The general body of mankind, or of a nation, state, or community; the people, indefinitely; as, the American Public also, a particular body or aggregation of people; as an author's public.

4. It is thus, clear that a section of public or a community can itself be called "public". In *Royal Masonic Institution for Boys (Trustees) v. Parkes* (1912 3 K.B. 212) it was held that a school established and chiefly maintained by Freemasons for the benefit entirely of those who belong to their own body receiving support to a very small extent from public fund, was a public institution. If a thing is not private then it is public. In this sense the Y.W.C.A., Trivandrum can hardly be called a private body. That does not stand for the promotion of the welfare of a particular body or family of persons even if it calls itself a private institution. But in effect it is an organisation for the promotion of some public object which must be brought under the category of public institution. I, therefore, agree with the learned District Judge in his finding that the Y.W.C.A. Trivandrum City is a public institution. A society or organisation established for some object, especially cultural, charitable or beneficial is an institution. Therefore there is no anomaly in calling the Y.W.C.A a public institution. The other contention is that even if the Y.W.C.A. is treated as a public institution coming within clause (7) of S. 11 of the Act, the purpose for which eviction is sought is not one falling legitimately within

the objects of the association. For clause (7) to come into play, the need must be one of the purposes of the institution and according to the respondent, providing accommodation for tourists is none of the objects of the association. I am unable to agree with the contention. Art. 3 of the Articles of Association, shows that the object of the association is to present fellowship and service as the ideal of life. Providing accommodation to ladies coming from outside the city can justifiably be treated as "service" coming under Art. 3. The purpose for which eviction is sought is also legal, falling within clause (7) of S. 11 of the Act. Eviction has rightly been ordered and I see no reason to interfere. This revision petition is, therefore, dismissed.