

(2000) 09 AHC CK 0081

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 41293 of 2000

United India Insurance Co.and Another

APPELLANT

Vs

IXth Addl. District Judge,Agra and Others

RESPONDENT

Date of Decision : 14-09-2000

Acts Referred:

Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972 —
Section 21(8)

Citation : (2000) 09 AHC CK 0081

Hon'ble Judges : R.H.Zaidi, J

Final Decision : Dismissed

Judgement

R.H. Zaidi, J.—By means of this petition filed under Article 226 of the Constitution of India petitioner challenges the validity of the order dated 2671997 passed by the Rent Control and Eviction Officer whereby in exercise of his powers under sub section (8) of Section 21 of the U.P. Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972 (U.P. Act the No. XIII of 1972), for short the Act the rent was enhanced from Rs. 76.30 to Rs. 1,500.00 and the order dated 19111999 by which the appeal filed by the petitioner was dismissed by the Appellate Authority.

2. It appears that an application was made by the landlord under subsection (8) of Section 21 of the Act. The application was objected to and opposed by the petitioner. However, after going through the material on record, the rent of the building in question was enhanced from Rs. 76.30 to Rs. 1,500.00 by judgment and order dated 2671997. Challenging the validity of the said order, an appeal was filed. The appeal also met the same fate and was dismissed by the Appellate Authority by its judgment and order dated 19111999. Hence, the present petitions

Learned Counsel for the petitioner vehemently urged that the authorities below have acted wholly illegally and arbitrarily in enhancing the rent from Rs. 76.30 to Rs. 1,500.00 and in dismissing the appeal.

3. I have considered the submissions made by learned Counsel for the petitioner and also perused the record.

4. In support of their cases parties have produced evidence including Valuer's reports. Valuer's reports were proved in accordance with law. The Rent Control and Eviction Officer acting as the District Magistrate relied upon the evidence produced by the other side and passed the impugned order. It is well settled in law that believing or disbelieving the evidence is a question of fact which cannot be challenged in the proceedings under Article 226 of the Constitution of India. I also do not find any illegality or infirmity in the impugned order. No case for interference under Article 226 of the Constitution of India is made out.

The writ petition fails and is dismissed in limine.