
(2001) 02 AHC CK 0037

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 5148 of 2001

Zila Nirvachan Adhikari, Panchayat and Nagar
Nigam, Bulandshahr

APPELLANT

Vs

District Judge, Bulandshahr

RESPONDENT

Date of Decision : 19-02-2001

Acts Referred:

Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972 —
Section 16, 17, 18

Citation : (2001) 02 AHC CK 0037

Hon'ble Judges : A.K. Yog, J

Final Decision : Dismissed

Judgement

A.K. Yog, J.—This petition has been filed against the order dated 29th August, 2000 (Annexure 1 to the writ petition) whereby District Judge, Bulandshahr/ Respondent No. 1 acting under Section 18 of U.P. Act No. 13 of 1972 (called "the Act") held that after 26th September, 1994, application for allotment at the behest of the petitioner was not maintainable as provisions of the said Act did not apply since entire building was let out at the rate of Rupees 4147.10 to the tenant allottee, namely, District Planning Office, vide allotment order dated 28th February, 1961, Annexure S.A. 1 to the Supplementary affidavit. Perusal of the letter dated 14th September, 1988 written by A.D.M. (Development), Bulandshahr addressed to the landlord dated 14th September, 1948, Annexure S.A. 2 to the Supplementary affidavit indicates that building was let out to District Planning Office, Bulandshahr under aforementioned allotment order dated 28th February, 1961 and by virtue of District Planning Officer which comprises of various departments like Cooperative Section, Panchayat Section, Minor Irrigation, P.R.D. and District Veterinary Officer were occupying different portions of the entire building which was out to the District Planning Office, Bulandshahr. These offices were, thus, part and parcel of the District Planning Office, and they were in different tenancy in the different Department. The aforesaid fact is clearly evident from letter dated 30th April, 1997 written by one

Satyendra Nath Misra, Chief Development Officer, Bulandshahr to the landlord, whereby it was informed that District Development Office was being transferred in the Vikas Bhawan, Bullandshahr after its completion and w.e.f. 1st May, 1997, building in its tenancy shall be vacated. This letter, clearly shows that entire building was going to be vacated.

2. It appears that the outgoing tenant did inform vacancy to the District Magistrate, Delegated Authority of the entire building and on the other hand an application for allotment was filed by the petitioner. It is not clear from the record as to and on what basis petitioner, Zila Nirvachan Adhikari entered into the possession of six rooms. It may be noted that petitioner and the landlords did accept the position. The provisions of U.P. Act No. 13 of 1972 were not applicable to the building since rate of rent was more than Rs. 2000 per month. Possibility of the petitioner entering into possession/agreement/understanding with the landlord for occupying six rooms in the building cannot be ruled out and on their undisputed understanding nonapplicability of the provisions of the Act one cannot rule out possibility for some unforeseen reason, petitioner may have been advised to file allotment application.

3. Be that as it may be, it is not disputed by the petitioner that building in question was let out at the rate of more than Rs. 2000 per month to the erstwhile allottee.

4. In view of the admitted position, the provisions of the Act are not attracted to the building in question. In the result, I find no manifest error apparent on the face of record in the impugned order.

5. Writ petition is accordingly, dismissed in limine.