

*Before M.M. Kumar & T. P. S. Mann, JJ*

**TIRLOK CHAND GUPTA,—Petitioner**

*versus*

**PANJAB UNIVERSITY,—Respondent**

C.W.P. No. 568 of 2008

15th January, 2008

*Constitution of India, 1950—Art. 226—Public Premises (Eviction of Unauthorized Occupants) Act, 1971—S.2(e)(iii)—Punjab Reorganization Act, 1966—S.72—Eviction proceedings initiated by University against petitioner pending—Estate Officer, PU issuing notice to petitioner for non-payment of rent—Whether Panjab University by virtue of S.2(e) 2(iii) is a University established or incorporated by a Central Act so as to entitle to appoint an Estate Officer u/s 3 of 1971 Act—Held, yes—University being an inter-state body corporate is controlled by Central Government—Estate Officer PU rightly assumed power under 1971 Act—Notice issued to petitioner does not suffer from any jurisdictional error—Petition dismissed.*

*Held*, that a perusal of Section 72 of the Punjab Reorganization Act, 1966 makes it abundantly clear that even the successor states are to make such grants inter alia for the Panjab University as may be determined by the Central Government from time to time. The object of the provision was not to give power of governance to the inter-state corporations but to make their services available to the successor. States till such time the successor States could make their own arrangements. It is significant that what the University was expected to continue to do was to serve the needs of the successor State, subject to Central Government's directions. Therefore, the appointment of Estate Officer by the University must continue as it would serve the needs of this corporate body.

(Paras 4 and 6)

Further held, that the Panjab University is controlled by the Central Government being an inter-state body corporate. The show cause notice

issued to the petitioner on 4th April, 2007 does not suffer from any jurisdictional error and the Estate Officer, Panjab University has rightly assumed the power under the Public Premises (Eviction of Unauthorized Occupants) Act, 1971.

(Para 8)

Shireesh Gupta, Advocate, *for the petitioner.*

**M. M. KUMAR, J.**

(1) This petition filed under Article 226 of the Constitution prays for quashing the proceedings initiated by the Estate Officer, Panjab University, Chandigarh, —vide order dated 21st September, 2007 (Annexure P-11) on the ground that the Estate Officer, Panjab University has no jurisdiction and the office of the Estate Officer could not be constituted under the provisions of Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (for brevity ‘the Act’). The petitioner has emphasised that expression ‘public premises’ has been defined in Section 2(e) 2(iii) of the Act to mean any premises belonging to, or taken on lease by, or on behalf of any university established or incorporated by any Central Act. Accordingly, the following question of law has been raised :—

“Whether the Panjab University by virtue of Section 2(e)(2)(iii) is a University established or incorporated by a Central Act so as to entitle to appoint an Estate Officer under Section 3 of the Act.”

(2) Mr. Shireesh Gupta, learned counsel for the petitioner has vehemently argued that the Panjab University Act of 1947 is an Act passed by the Provincial Legislature and as such it cannot be regarded as a University established or incorporated by a Central Act. According to the learned counsel once it is so, then the premises belonging to the Panjab University cannot be considered to be public premises within the meaning of Section 2(e)(2)(iii). He has, thus, emphasised that no Estate Officer by the Panjab University can be appointed to initiate proceedings of ejection against the petitioner.

(3) We have considered the submissions made by learned counsel for the petitioner and the same cannot be accepted in view of express provisions made by Section 72 of the Punjab Reorganization Act, 1966. According to Section 72 if a body corporate constituted inter alia, by or under a State Act for the erstwhile State of Punjab or any part thereof serves

the needs of successor States or has become an inter-State body corporate then it should continue to function and operate in those areas subject to such directions as may from time to time be issued by the Central Government. Sub Section 3 of Section 72 expressly clarified that the provisions of Section 72 are to apply to the Panjab University constituted under Panjab University Act, 1947. Section 72 of the Act reads thus :---

**72. General Provisions as to statutory corporations.—**

- (1) Save as otherwise expressly provided by the foregoing provisions of this Part, where any body corporate constituted under a Central Act, State Act or Provincial Act for the existing State of Punjab or any part thereof serves the needs of the successor States or has, by virtue of the provisions of Part II, become an inter-State body corporate, then, the body corporate shall, on and from the appointed day, continue to function and operate in those areas in respect of which it was functioning and operating immediately before that day, subject to such directions as may from time to time be issued by the Central Government, until other provision is made by law in respect of the said body corporate.
- (2) Any direction issued by the Central Government under sub-section (1) in respect of any such body corporate may include a direction that any law by which the said body corporate is governed shall, in its application to that body corporate, have effect to such exceptions and modifications as may be specified in the direction.
- (3) For the removal of doubt it is hereby declared that the provisions of this section shall apply also to the Panjab University constituted under the Panjab University Act, 1947, the Punjab Agricultural University constituted Act, 1947, the Punjab Agricultural University constituted under the Punjab Agricultural University Act, 1961, and the Board constituted under the provisions of Part III of the Sikh Gurudwaras Act, 1925.
- (4) For the purpose of giving effect to the provisions of this section in so far as it relates to the Panjab University and

the Punjab Agricultural University referred to in sub-section (3) the successor States shall make such grants as the Central Government may, from time to time, by order, determine.”

(4) A perusal of Section 72 makes it abundantly clear that even the successor states are to make such grants inter alia for the Panjab University as may be determined by the Central Government from time to time.

(5) The aforesaid question has earlier arisen before a Division Bench of this Court in the case of **Gopal Chand versus Panjab University and others (1)**. The Division Bench repelled the contention that it is not the public premises within the meaning of Section 2(e)2(iii) of the Act and held as under :—

“The grievance made in the petition is that the residential quarters owned by the Panjab University do not fall within the definition of premises as contained in the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (hereinafter called the Act) and as such the Estate Officer appointed by the Panjab University had no right to initiate eviction proceedings against the petitioner.

On his own showing the petitioner was an employee of the Panjab University and had retired from service on 31st March, 1977. He was allowed two months' time to vacate the premises and in spite of the expiry of this period of two months he continues to hang on to them. Even if the order passed by the Estate Officer were to be regarded as an irregularity we would not be inclined to interfere because no injustice much less manifest injustice has been caused to the petitioner. The residential accommodation available with the University is needed for its employees and those who retire are to vacate the same within the period prescribed by the rules. The aforementioned consideration apart, the University is admittedly a corporation and by virtue of Section 72 of the Punjab Re-Organisation Act, 1966, it has to function under the directions issued by the Central Government from time to time. Consequently, it has to be held that the premises in

dispute belong to a corporation which is controlled by the Central Government. In this view of the matter, the provisions of the Act would be applicable to the facts of the case and the order passed by the Estate Officer as affirmed by the learned Additional District Judge, Chandigarh, in appeal would have to be affirmed. We find not merit in this petition and order the same to be dismissed.” (emphasis added)

(6) The Full Bench of this Court in the case of **Dayanand Anglo-Vedic College versus State of Punjab**, (2) has an occasion to consider Section 72 of the Act and numerous observations have been made. We do not wish to go into details of those observations but feel content to observe that the object of the provision was not to give power of governance to the inter-state corporations but to make their services available to the successor States till such time the successor States could make their own arrangements. It is significant that what the University was expected to continue to do was to serve the needs of the successor State, subject to Central Government's directions. Therefore, the appointment of Estate Officer by the University must continue as it would serve the needs of this corporation body.

(7) In the present case relationship of lessor and lessee exists between the University and the petitioner. There are allegations of non-payment of rent and the Estate Officer has issued a show cause notice to the petitioner on the eviction petition filed by the University and the matter is pending.

(8) As a sequel to the above discussion, the question is answered against the petitioner. It is accordingly held that the Panjab University is controlled by the Central Government being an inter-state body corporate. It is further held that the show cause notice issued to the petitioner on 4th April, 2007 (Annexure P-10) does not suffer from any jurisdictional error and the Estate Officer, Panjab University has rightly assumed the power under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971. As the matter is still pending before the Estate Officer, we refrain from expressing any opinion on merits lest it may result in prejudice to the interest of either parties.

(9) The writ petition is accordingly dismissed.

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**R.N.R.**

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(2) AIR 1972 P&H 170  
10483/HC—Govt. Press, U.T., Chd.