

## REVISIONAL CIVIL

*Before Bhandari, C. J.*

SHRI ABHEY KUMAR,—Petitioner

*versus*

FAQUIR CHAND,—Respondent

1954

May, 7th

*Delhi and Ajmer Rent Control Act (XXXVIII of 1952)—Section 1(2)—Extent of—Whether extends to the township of Gandhi Nagar, a new suburb of Delhi—Power to extend the Act to new areas—Whether vests in the Central Government or State Government—Notification extending the limits of local bodies—Whether can extend the Act to new areas—Interpretation of Statutes—terms used in the Statute—How to be interpreted—Statutory order—When comes into operation.*

The Delhi and Ajmer Rent Control Act, 1952, received the assent of the President on the 15th April, 1952, and came into force on the 9th June, 1952. It extended to the areas mentioned in the First Schedule including the area situate within the local limits of the Municipal Committee of Shahdara. On the 21st June, 1952, the Chief Commissioner of Delhi issued a notification under section 5(3) of the Punjab Municipal Act (as extended to Delhi) extending the area of the Municipality of Shahdara so as to include the area comprised within the new township of Gandhi Nagar. The question is whether on the 16th August, 1952, when the applications for fixation of standard rent were presented in Court the Act of 1952 was applicable to this new area.

*Held*, that the Delhi and Ajmer Rent Control Act 1952, has not been extended to the new township of Gandhi Nagar, a suburb of Delhi and it is not within the competence of the Courts to fix the standard rent of premises situate in the said area.

*Held*, that the Act extended only to such areas as were comprised within the limits of the local bodies (mentioned in the Schedule) on the date on which the Act received the assent of the President.

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*Held*, that the notification issued by the Chief Commissioner on the 21st June, 1952, came into operation on the day on which it was published and could not operate retrospectively so as to have effect from an earlier date.

*Held*, that the power to extend the provisions of the Act to any other areas or to direct that it shall cease to be in force in any area was vested exclusively in the Central Government and it was not within the power of the Delhi State Government to extend the provisions of this Act to certain other areas by resorting to the simple expedient of including such other areas within the limits of a local body mentioned in the Schedule

*Held*, that the Legislature did not intend that the areas to which the Act applied originally should be increased or reduced by any authority other than the Central Government itself.

*Held*, that it is a recognised rule of construction of statutes that terms should be read in their meaning at the date of the passing of the Act.

*Held*, that a statutory order comes into operation not on the date on which it is made but on the date on which it became known to the public, that is, on the date on which it is published.

*Petition under section 35 of Delhi and Ajmer Rent Control Act, 1952, for revision of the decrees of Shri Mehr Singh Chadda, Senior Sub-Judge, Delhi, dated 26th May, 1953, affirming that of Shri Behari Lal Goswamy, Sub-Judge, Delhi, dated 18th February, 1953, fixing the standard rent at Rs. 18.*

BHAGWAT DYAL and O. N. MEHRA, for Petitioner.

R. A. GOVIND, for Respondent.

#### JUDGMENT.

Bhandari, C. J. BHANDARI, C. J. The question which falls to be determined in the present case is whether the Delhi and Ajmer Rent Control Act, 1952, has been extended to the new township of Gandhi Nagar.

On the 16th August, 1952, certain tenants of premises situate in Gandhi Nagar, a suburb of Delhi, presented applications for fixation of standard rent under the Delhi and Ajmer Rent Control Act, 1952. The landlords raised an objection that the Act of 1952 is not applicable to the area in which the premises are situate and consequently that the trial Court had no jurisdiction to fix the standard rent. This objection was overruled both by the trial Court and by the Senior Subordinate Judge, and the landlords have accordingly come to this Court in revision.

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The Delhi and Ajmer Rent Control Act received the assent of the President on the 15th April, 1952, and came into force on the 9th June, 1952. It extended to the areas mentioned in the First Schedule including the area situate within the local limits of the Municipal Committee of Shahdara. On the 21st June, 1952, the Chief Commissioner of Delhi issued a notification under section 5(3) of the Punjab Municipal Act (as extended to Delhi) extending the area of the Municipality of Shahdara so as to include the area comprised within the new township of Gandhi Nagar. The question is whether on the 16th August, 1952, when the applications for fixation of standard rent were presented in Court the Act of 1952 was applicable to this new area.

The learned counsel for the tenants contends that the expression "Municipality of Shahdara" appearing in the First Schedule to the Act refers to the area for the time being situate within the limits of the Municipal Committee of Shahdara and consequently that it extends to the new township of Gandhi Nagar.

I regret I find myself unable to concur in this contention. It is a recognised rule of construction of statutes that terms should be read in

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"The first point to be borne in mind is that the Act (6 & 7 Wm. 4, a private Act) must be construed as if one were interpreting it the day after it was passed."

As the Act of 1952 received the assent of the President on the 15th April, 1952, the expression "the Municipality of Shahdara" must be deemed to include only those areas which were included within the Municipal limits of Shahdara on that day and not the areas which came to be included in the said limits on subsequent dates. It follows as a consequence that the expression "the Municipality of Shahdara" can refer only to the area which was situate within the limits of the said Municipal Committee on the 16th April, 1952.

Again, it is contended that as the notification issued by the Chief Commissioner of Delhi under section 5 of the Punjab Municipal Act is dated the 9th June, 1952 (although it was actually published in the Official Gazette on 21st June) the Act of 1952 must be deemed to have been extended to the new township of Gandhi

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(1) (1888) 22 Q.B.D. 239, 241, 242

(2) (1888) 14 P.D. 34, 36

Nagar on the 9th June, 1952. This argument too appears to me to be devoid of force. A statutory Order comes into operation not on the date on which it is made but on the date on which it becomes known to the public. In *Johnson v. Sargent & Sons*, (1), Bailhache, J., observed as follows:—

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“While I agree that the rule is that a statute takes effect on the earliest moment of the day on which it is passed or on which it is declared to come into operation, there is about statutes a publicity even before they come into operation which is absent in the case of many Orders such as that with which we are now dealing; indeed, if certain orders are to be effective at all, it is essential that they should not be known until they are actually published. In the absence of authority upon the point I am unable to hold that this Order came into operation before it was known, and, as I have said it was not known until the morning of May, 17.”

This authority was cited with approval in *Harla v. The State of Rajasthan* (2), where it was held that before a law can become operative it must be broadcast in some recognisable way so that all men may know what it is.

The Chief Commissioner's notification under section 5(3) of the Punjab Municipal Act was published in the Gazette on the 21st June, 1952, and the earliest date on which the Act

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(1) (1918) 1 K.B. 101  
(2) 1952 S.C.R. 110

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could have applied to the new township of Gandhi Nagar was the 21st June, 1952, if it applied to that area at all.

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But I am of the opinion that the Act of 1952, does not apply at all to area comprised within the limits of Gandhi Nagar. The first reason is that, as stated above, the expression "the Municipality of Shahdara" appearing in the Schedule should be construed to refer to the area which was within the limits of this Municipal Committee on the 16th April, 1952. The second reason is that this Act can be extended to a particular area only by the Central Government and by no other authority.

Subsection (2) of section 1 of the Act of 1952 runs as follows:—

"(2) It extends to the areas specified in the first Schedule and may be extended by the Central Government, by notification in the Official Gazette, to such other areas in the State of Delhi or Ajmer as may, from time to time, be specified in the notification:

Provided that the Central Government may, at any time, by a like notification direct that it shall cease to be in force in any such area, and with effect from such date, as may be specified in the notification".

The provisions of this subsection appear to indicate that Parliament wanted the Act to be extended only to the areas mentioned in the First Schedule, that is, only to the areas which were comprised within the limits of the Local Bodies (mentioned in the Schedule) on the date on

which the Act received the assent of the President. They do not appear to have contemplated that the areas to which the Act extended should be automatically increased or decreased by notifications issued by the Chief Commissioner of Delhi in exercise of the powers conferred upon him under section 5 of the Punjab Municipal Act or any other similar enactment. This conclusion finds support from the fact that the power to extend the Act to other areas vested exclusively in the Central Government. The Government of the State of Delhi were given no power, directly or indirectly, either to extend or to restrict the operation of the Act.

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My conclusions, therefore, are :—

- (1) that the notification issued by the Commissioner of Delhi on the 21st June, 1952, came into operation on the day on which it was published;
- (2) that this notification could not operate retrospectively so as to have effect from an earlier date ;
- (3) that the Act of 1952 extended only to such areas as were comprised within the limits of the Local Bodies (mentioned in the Schedule) on the date on which the Act received the assent of the President;
- (4) that power to extend the provisions of the Act to any other areas or to direct that it shall cease to be in force in any area was vested exclusively in the Central Government;
- (5) that the Legislature did not intend that the areas to which the Act applied originally should be increased or reduced by any authority other than the Central Government itself;

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- (6) that it was not within the power of the Delhi State Government to extend the provisions of this Act to certain other areas by resorting to the simple expedient of including such other areas within the limits of a Local Body mentioned in the Schedule; and
- (7) that as the Central Government has not extended this Act to the new township of Gandhi Nagar it was not within the competence of the Courts to fix the standard rent of premises situated in the said area.

For these reasons, I would accept the petitions (Nos. 162-D to 268-D of 1953), set aside the orders of the Courts below and direct that the petitions for fixation of standard rent be dismissed. In view of the peculiar circumstances of the case there will be no order as to costs.

LETTERS PATENT SIDE.

*Before Harnam Singh and Kapur, JJ.*

RAGHBIR SARAN,—Appellant

*versus*

THE PUNJAB STATE,—Respondent

Letters Patent Appeal No. 21 of 1953

1954  
May, 18th

*East Punjab Requisitioning of Immovable Property (Temporary Powers) (Act XLVIII of 1948)—Section 5—Compensation for requisitioned premises—Whether can be fixed in excess of the standard rent permissible under section 4 of the East Punjab Urban Rent Restriction Act (III of 1949)—Land Acquisition Act (I of 1894), Section 23(1)—Effect of.*

*Harnam Singh, J.*

*Held*, that in assessing the market value of the possessory interest it has to be borne in mind that on the 19th May, 1949, the Rent Controller had fixed the fair rent of