

Before P. C. Jain, A.C.J. & I. S. Tiwana, J.
JAGJIT SINGH AND OTHERS,—Petitioners.

versus

STATE OF PUNJAB AND ANOTHER,—Respondents.

Civil Writ Petition No. 1914 of 1984.

February 28, 1985.

East Punjab Urban Rent Restriction Act (III of 1949)—Section 3—Notification issued exempting all buildings and rented lands from the provisions of the Act—Such notification—Whether valid—Section 3 of the Act—Whether envisages exemption only of a particular building or rented land or class of buildings or rented lands.

Held, that it is the settled position that the Courts are normally not concerned with the policy of the Legislature or with the result of giving effect to the language of a statute. Equally settled is the proposition that the manner and intendment of the Legislature which has to be effectuated and not negated by the process of interpretation by Courts. The buildings and rented lands exempted by the notification apparently form a class by themselves as compared to buildings and rented lands located in all other urban areas to which the East Punjab Urban Rent Restriction Act, 1949 is applicable. As such notification issued under Section 3 of the Act is perfectly valid and in accordance with law.

(Para 2).

Petition Under Article 226/227 of the Constitution of India praying that the petition may kindly be accepted and:

- (i) *the respondents may be directed to produce the entire record of the case;*
- (ii) *a writ of Certiorari or any other writ, order or direction be issued quashing the notification Annexure "P-4";*
- (iii) *the petitioners may be exempted from issuing advance notice of the writ petition;*
- (iv) *till the decision of the writ petition, the operation of the notification Annexure "P-4" may be stayed;*
- (v) *any other writ, order or direction be issued granting any other relief to which the petitioners are found entitled in the circumstances;*

(vi) cost of the writ petition may be allowed to the petitioners.
Sarjit Singh, Advocate, for the Petitioner.

A. S. Sandhu, Addl. Advocate General, Punjab, for, Respondent No. 1.

J. L. Gupta, Sr. Advocate, with Rajiv Atma Ram, Advocate, for Respondent No. 2.

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JUDGMENT

(1) The petitioners who claim to be in occupation of certain shops as tenants in Sahibzada Ajit Singh Nagar (for short, S.A.S. Nagar), commonly known as 'Mohali' and a satellite town of Chandigarh and also office bearers of an Association, known as 'Tenants Welfare Association', impugn the notification of the Punjab State Government, dated February 9, 1984 (Annexure P.4), exempting the buildings and rented lands situated in the urban area administered by the Notified Area Committee, S.A.S. Nagar. This notification reads as follows:—

"No. S.U. 10/PA. 3/1949/S. 3/84.—In exercise of the powers conferred by section 3 of the East Punjab Urban Rent Restriction Act, 1949 (East Punjab Act No. 3 of 1949), and all other powers enabling him in this behalf, the President of India is pleased to direct that the provisions of the aforesaid Act shall not apply to the buildings and rented lands situated in the urban area administered by the Notified Area Committee, Sahibzada Ajit Singh Nagar (Mohali), for the period commencing from 28th December, 1983, and expiring on the 31st March, 1995.

SWARN SINGH BOPARAI,
Secretary to Government, Punjab,
Department to Local Government,
Housing and Urban Development."

The primary challenge is that under section 3 referred to above, the Government cannot exempt all the buildings in an urban area and can rather exempt only a particular building or rented building or class of buildings or rented lands. The Government is also accused of arbitrariness on the ground that no such exemption is available to the buildings constructed in the adjoining town, i.e., Chandigarh. The object sought to be achieved by the Government with the issuance of this notification is stated in the following words:—

"1. That S.A.S. Nagar (Mohali) is a budding industrial town which needs all sorts of encouragement for its proper growth and around development. In this context, it was *ab initio* decided not to apply the provisions of the East Punjab Urban Rent Restriction Act, 1949 to S.A.S. Nagar

(Mohali). However due to certain financial and other contingencies, it was deemed appropriate to constitute a Notified Area Committee in the said town. Consequently, the East Punjab Urban Rent Restriction Act, 1949 (for short "The Act") became *ipso facto* applicable despite the fact that it had never been and is not the intention of the Government of Punjab to extend the provisions of the Act to the Urban areas of S.A.S. Nagar. In order to meet this predicament, the Government had no choice except to exempt the town from the purview of the Act, so that the construction and development activities in the said town can be given a fillip and boost.

2. That the said assumption is in tune with the recommendations of the Economic and Administrative Reforms Commission, which *inter alia* recommended that all the new constructions should be exempted from the application of the Act. The necessity and applicability of the said recommendation in this town is more poignantly and economically felt."

It is further explained in the return filed by the Government that the East Punjab Urban Rent Restriction Act, 1949, was made applicable to the Union Territory of Chandigarh in the year 1974, i.e., practically after about 25 years of its construction which started somewhere in the year 1949/1950. Almost for the same very reasons this satellite town (S.A.S. Nagar) of Chandigarh wherein the building activity initially started in the year 1970 has been exempted from the provisions of the Act upto 1995, i.e., for about a period of 25 years from the date of its inception.

(2) Having heard the learned counsel for the parties at some length, we do not find any merit in this petition. It is the settled position that the Courts are normally not concerned with the policy of the Legislature or with the result of giving effect to the language of a statute. Equally settled is the proposition that the manner and intendment of the Legislature which is always presumed to be valid, has to be effectuated and not negatived by the process of interpretation by Courts. The argument that with the specification of the area within which the buildings or rented lands exempted or sought to be exempted are situated the present notification goes outside the ambit of section 3 of the Act, does not appeal to us at all. This section reads as follows:—

"The State Government may direct that all or any of the provisions of this Act shall not apply to any particular

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building or rented land or any class of buildings or rented lands.”

The buildings or rented lands located within the notified area of S.A.S. Nagar apparently from a class by themselves as compared to buildings and rented lands located in all other urban areas to which the Act is applicable. Similarly the argument that the exemption of the buildings and the rented lands situated in this urban area from the provisions of the Act when no such exemption exists in the case of the buildings and rented lands located in the adjoining town of Chandigarh, *per se* amounts to arbitrariness on the part of the Government, deserves to be rejected outright. The Punjab Government obviously has no jurisdiction over the areas forming part of the Union Territory of Chandigarh and thus the action or non-action of the Union Territory authorities cannot possibly render any of its action as arbitrary.

(3) Thus we dismiss this petition *in limine* with no order as to costs.

H.S.B.

Before I. S. Tiwana, J.

TIRVENI DEVI AND OTHERS,—*Petitioners.*

versus

BABU LAL AND ANOTHER,—*Respondents.*

Civil Revision No. 3452 of 1982.

March 1, 1985.

Code of Civil Procedure (V of 1908)—Order 22 Rule 4—Haryana Urban (Control of Rent & Eviction) Act (XI of 1973)—Sections 2 and 15 (2)—Order of eviction passed against statutory tenant on the ground of sub-letting premises—Tenant dying after passing of such order—Legal representatives of the deceased tenant filing appeal before the appellate authority—Right of inheritance concededly not available to the legal representatives—Appeal by such legal representatives—Whether maintainable—Sub-tenant of the deceased tenant—Whether has a locus standi to maintain a separate appeal.

Held that the analysis of the various provisions of Order 22 of the Code of Civil Procedure, 1908 reveals that the order deals with the creation, assignment or devolution of interest during the