

maintenance allowance granted to Romesh Inder, however, the same is modified as stated above. Hoping that the parties would still make a genuine effort to reconcile themselves and that all the members of the family would begin to live happily, I would make no order as to costs in these proceedings.

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Bibi Raj
Mohinder Kaur
I. D. Dua, J.

B.R.T.

CIVIL WRIT

Before Bishan Narain, J.

RALLU,—*Petitioner.*

versus

THE ADDITIONAL FINANCIAL COMMISSIONER, ETC.,—
Respondents.

Civil Writ No. 1037 of 1958.

Punjab Security of Land Tenures Act (X of 1953) as amended by Act XI of 1955—Sections 9, 10(3), 14-A and 24—Effect of—Whether bar the suit for eviction of a tenant under the Punjab Tenancy Act (XVI of 1887)—Protection afforded by Section 9—Whether available in proceedings under both the Acts.

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Held, that if a landlord makes an application under Section 14-A of the Punjab Security of Land Tenures Act, an information will be sent to the authority under the Punjab Tenancy Act to stay further proceedings. Filing of a petition under Section 14-A does not result in automatic abatement of the previous proceedings taken under the Punjab Tenancy Act. It is open to the landlord to take proceedings either under the Punjab Tenancy Act or under the Punjab Security of Land Tenures Act. The remedies available to him are parallel and it is open to him to avail of either remedy. There is nothing in Section 14-A or other provisions of the Punjab Security of Land Tenures Act which can lead one to infer that the Legislature intended impliedly to bar the landlord's remedy to seek eviction of his tenant under the Punjab Tenancy Act.

Held, that section 9 of the Punjab Security of Land Tenures Act gives protection to tenants. This protection is available to tenants whether proceedings are taken under the Punjab Tenancy Act or under the Punjab Security of Land Tenures Act or under any other law and landlord can not get an order of eviction against his tenant unless he satisfies the authorities concerned that the provisions of section 9 of the Punjab Security of Land Tenures Act have been complied with.

Petition under Article 226 of the Constitution of India, praying that an appropriate writ, order or direction be issued quashing the order dated 1st February, 1958 of the Additional Financial Commissioner, Chandigarh.

K. C. NAYAR, for Petitioner.

V. P. PRASHAR, for Respondents.

ORDER

Bishan Narain,
J.

BISHAN NARAIN, J.—The land involved in this petition belongs to Sanu and Raffo. They filed a suit under the Punjab Tenancy Act, 1887, and the Assistant Collector, 1st Grade, decreed the suit and ordered eviction of Rallu, the tenant. This decision was upheld by the Collector on appeal. Rallu then filed a revision petition and the Commissioner, Jullundur Division, recommended to the Financial Commissioner that the order passed by the Collector be set aside because a suit for eviction of a tenant after the enactment of the Punjab Security of Land Tenures Act, 1953 was not competent. This recommendation, however, was not accepted by the Additional Financial Commissioner who upheld the order of eviction. Aggrieved against this order, Rallu has filed this petition under article 226 of the Constitution to get the orders made under the Punjab Tenancy Act, quashed.

Admittedly section 14-A was added to the Punjab Security of Land Tenures Act in 1955 and

this provision came into force on 20th May, 1955. The suit for petitioner's eviction was filed on 1st June, 1955. The question arises whether this suit was competent. Section 14-A so far as it is relevant for the present case reads:—

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“Notwithstanding anything to the contrary contained in any other law for the time being in force, and subject to the provisions of section 9-A,—

- (a) a land-owner desiring to eject a tenant under this Act shall apply in writing to the Assistant Collector, First Grade, having jurisdiction, who shall thereafter proceed as provided for in sub-section (2) of section 10 of this Act, and the provisions of sub-section (3) of the said section shall also apply in relation to such application.”

Sub-section (2) of section 10 lays down that the proceedings will be taken summarily and only a memorandum of evidence would be kept. Sub-section (3) of section 10, reads:—

“When an application has been made, any proceedings in relation to the same matter pending in any other Court or before any other authority shall be stayed on receipt of information by that Court or authority from such Assistant Collector of the fact of having received the application, and all such proceedings in a Court or before any authority shall lapse when the dispute has been determined by the Assistant Collector acting under this Act.”

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At this stage it would be convenient to refer to section 24 of the Punjab Security of Land Tenures Act which provides that provisions regarding appeal, review and revision will be the same as provided in sections 80 to 84 of the Punjab Tenancy Act, 1887.

The learned counsel for the petitioner urged that from these provisions it is quite clear that after the enactment of section 14-A, proceedings for eviction can be taken only under the Punjab Security of Land Tenures Act and not under the Punjab Tenancy Act. I am unable to accept this contention. It will be noticed that proceedings for eviction of tenants under the Punjab Tenancy Act as well as under the Punjab Security of Land Tenures Act lie to the same officers and the only difference is that under latter Act proceedings are summary. The provisions relating to appeal, review and revision are common to both proceedings. Sub-section (3) of section 10 lays down that if an application is made under the Punjab Security of Land Tenures Act, then proceedings pending anywhere else would be stayed. It, therefore, follows that if the landlord had made an application under section 14-A of the Punjab Security of Land Tenures Act, then information would have been sent to the authority under the Punjab Tenancy Act, to stay further proceedings. Filing of a petition under section 14-A does not, therefore, result in automatic abatement of the previous proceedings taken under the Punjab Tenancy Act. Taking this circumstance into consideration I am of the opinion that it is open to the landlord to take proceedings either under the Punjab Tenancy Act or under the Punjab Security of Land Tenures Act. The remedies available to him are parallel and it is open to him to avail of either remedy. There is nothing in section 14-A

or other provisions of the Punjab Security of Land Tenures Act which can lead one to infer that the Legislature intended impliedly to bar the landlord's remedy to seek eviction of his tenant under the Punjab Tenancy Act.

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The learned counsel then urged that if proceedings are taken under the Punjab Tenancy Act, then the protection afforded to the tenants under the Punjab Security of Land Tenures Act would not be available to them. Now section 9 of the Punjab Security of Land Tenures Act gives protection to tenants. This protection in my view is available to tenants whether proceedings are taken under the Punjab Tenancy Act or under the Punjab Security of Land Tenures Act or under any other law. In this connection, I may refer to similar provisions under the Displaced Persons (Debts Adjustment) Act, 1951. When an application is made to the Tribunal by a displaced person for adjustment of his debts, then all suits pending elsewhere are to be stayed under section 15 of the Act. These provisions are analogous to the provisions of section 10 of the Punjab Security of Land Tenures Act. It was held in *Messrs. Sulakhan Singh Seth Mool Chand and others v. The Central Bank of India, Ltd* (1), that the protection afforded to displaced persons under the Displaced Persons (Debts Adjustment) Act, is an addition to the substantive law of the country and, therefore, that right can be enforced even if the proceedings are pending in ordinary Courts and not under the Displaced Persons (Debts Adjustment) Act. On the same reasoning a landlord cannot get an order of eviction against his tenant unless he satisfies the authorities concerned that the provisions of section 9 of the Punjab Security of Land Tenures Act have been complied with.

(1) 1953 P.L.R. 348

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For these reasons, I see no force in this peti-
tion and I dismiss it with costs. Counsel's fee
Rs. 50.

Bishan Narain
J.

R. S.

SUPREME COURT

*Before Sudhi Ranjan Das, Chief Justice and Sudhanshu
Kumar Das, A. K. Sarkar, K. Subba Rao, Hidayatullah;
JJ.*

S. GURMEJ SINGH,—Appellant

versus

S. PARTAP SINGH KAIRON,—Respondent

Civil Appeal No. 324 of 1959.

1959
Sept., 30th

*Representation of the People Act (XLIII of 1951)—
Section 123(7)—Lambardar—Whether covered by any
clauses of Section 123(7)—“Revenue officer”, “Village
accountant” and “other Village officers”—Meaning of—Inter-
pretation of Statutes—Construction of Sections of an Act
and excluding clauses.*

Held, that lambardars being village revenue officers
are excluded from the operation of clause (f) of Section
123(7) of the Representation of the People Act, 1951, with
the result that they are freed from the disqualification im-
posed by the provisions of the said clause.

Held, that a revenue officer is one who is employed in
the business of revenue, and the term is comprehensive
enough to take in all such revenue officers in the chain of
heirarchy in the revenue administration of the State.

Held, that the enumerated officers in clause (f) of Sec-
tions 123(7) of the Act and the like indicate precisely the
content and connotation of the words “village accountant”.
The phrase “such as” immediately following the words
“village accountants”, and the phrase “the like” following
the enumerated officers indicate that the examples are
intended to provide a definition by illustration.