

Shri Kartar Singh And Ors. vs Shri Piara Ram And Ors. on 3 December, 1975

Equivalent citations: AIR1976SC957, (1976)1SCC760, 1976(8)UJ108(SC), AIR 1976 SUPREME COURT 957, 1976 (1) SCC 760, 1976 2 ALL LR 45, 1976 UJ (SC) 108

Author: R.S. Sarkaria

Bench: A.N. Ray, M.H. Beg, P.N. Shinghal, R.S. Sarkaria

JUDGMENT

R.S. Sarkaria, J.

1. The petitioners before us are owners of a block of shops in Meerut Cantonment. These shops are in the occupation of respondents as tenants. At the material time relationship between landlords and tenants of premises situated within Cantonments in the State of Uttar Pradesh was regulated by the U.P. Cantonments (Rent Control & Eviction) Act, 1952. Under Section 14 of that Act no landlord of such premises could file a suit for eviction of a tenant without the permission of the District Magistrate, even if the premises were bonafide required by the landlord for his own use and occupation.

2. In this writ petition, filed under Article 32 in the year 1972, the petitioners question the Constitutional validity of this Act on the ground that it imposes unreasonable restrictions on the petitioner's fundamental rights guaranteed under Article 19(i)(f) and (g) of the Constitution. It is alleged that Section 14 of the Act suffers from the vice of excessive delegation of essential legislative function and as such, is hit by Article 14 of the Constitution.

3. The Solicitor General appearing for respondent 7, has informed us that this Act has since been repealed with the result that the writ petition has become infructuous. But Mr. S.C. Agarwal, counsel for the petitioners submits that despite the repeal of the Act, the orders and notifications issued under the repealed Act continue to be in force and as such his cause of grievance remains. His apprehension is that the Order made by the District Magistrate under the repealed Act might stand in his way to seek relief under the new Act.

4. The Solicitor-General has drawn our attention to an additional affidavit filed by the petitioners in which it is alleged that after the refusal of the permission by the District Magistrate, a new set of circumstances have come into existence. If that is so, the petitioners may seek such relief as may be open to them under the new Act. Since the impugned statutory provisions stand repealed, the writ

petition has become infructuous. We therefore, dismiss the same, leaving the parties to bear their own costs.