

Punjab-Haryana High Court

Walaiti Ram And Anr. vs Harbans Lal on 11 January, 1982

Equivalent citations: AIR 1982 P H 250

Bench: R N Mittal

ORDER

1. This revision petition has been filed by Walaiti Ram and Madan Lal landlords, against the order of the Appellate Authority, Ludhiana, dated 22nd May, 1980 allowing the respondent-tenant to file a complaint under S. 19(1) of the East Punjab Urban Rent Restriction Act, 1949 (hereinafter referred to as 'the Act').

2. Briefly the facts are that the tenant moved an application before the Rent Controller under S. 10 of the Act for restoration of the amenities of latrine and hand-pump, allegedly removed by the landlords from the premises under his tenancy. It was accepted by the Rent Controller and the landlords were directed to reconstruct the latrine and instal the hand-pump. On appeal the order of the Rent Controller was affirmed.

3. The tenant then filed an application under S. 19(3) that he may be allowed to file the complaint under S. 19(1) against the landlords for contravening the provisions of S. 10(1) of the Act. The application was contested by the landlords. The Rent Controller after recording the evidence dismissed it. The tenant went up in appeal before the Appellate Authority, who reversed the order of the Rent Controller and allowed the application. The landlords have come up in revision against the order of the Appellate Authority to this Court.

4. The only contention of the learned counsel for the petitioners is that the Appellate Authorities in the Punjab State have not been authorised under S. 15(1)(a) by the State Government to hear appeals against the orders of the Rent Controllers under S. 19(1)(3) of the Act. He in that regard made reference to the notification of the Government dated 14th April, 1947 under Section 15(1)(a). I have given due consideration to the argument of the learned counsel and find force in it. Section 15(1)(b) authorises a party, aggrieved against an order of the Rent Controller, to file an appeal before the Appellate Authority. S. 15(1)(a) empowers the State Government by notification to confer on any officer or authority the powers of the Appellate Authority. Sub-s. (1) of S. 15 reads as follows:--

"(1)(a) The State Government may, by a general or special order, by notification confer on such officers and authorities as they think fit, the powers of appellate authorities for the purpose of this Act, in such area or in such classes of cases as may be specified in the order.

(b) Any person aggrieved by an order passed by the Controller may within fifteen days from the date of such order or such longer period as the appellate authority may allow for reasons to be recorded in writing, prefer an appeal in writing to the appellate authority having jurisdiction. In computing the period of fifteen days the time taken to obtain a certified copy of the order appealed against shall be excluded."

In the present case the State Government has issued a notification dated 14th April, 1947, under clause (a) of sub-section (1), empowering all the District & Sessions Judges in the Punjab State in respect of the urban areas in their respective jurisdiction to hear appeals against the orders under Ss. 4, 10, 12 and 13 of the Act only and not under S. 19. Later two notifications were issued on 19th Oct., 1957 and 28th Dec. 1958 by the Punjab Government, under the aforesaid clause, empowering all the Additional District & Sessions Judges of Gurgaon, Ludhiana and Bhatinda also to act as Appellate Authorities under S. 15(1)(a). From a conjoint reading of S. 15(1)(a) and the above notifications, it is evident that the Appellate Authorities are empowered to hear appeals against the orders passed under Ss. 4, 10, 12, and 13 only and not any other section. As already observed above, in the present case the order was passed by the learned Rent Controller under S. 19(3). Thus the Appellate Authority had no jurisdiction to entertain an appeal against the said order. Consequently, the order of the Appellate Authority is without jurisdiction.

5. For the aforesaid reasons, I accept the revision petition and set aside the order of the Appellate Authority. In the circumstances of the case I, however, make no order as to costs.

6. Revision allowed.