

Supreme Court of India

Property Owners Association & ... vs State Of Maharashtra on 12 September, 2000

Equivalent citations: 2000 (6) SCALE 571

Bench: B Kirpal, D Raju, K Balakrishnan

ORDER B.N. Kirpal, Doraiswamy Raju and K.G. Balakrishnan, JJ.

1. We have heard Mr. F.S. Nariman, the learned senior counsel for the petitioners, at length. It has been brought to our notice that in another case entitled Property Owners' Association and Anr. v. State of Maharashtra SLP (C) 5302/92 this Court in the order reported as has referred that case to a Constitution Bench. In that case the constitutional validity of Maharashtra Housing and Area Development Act, 1976 was challenged and one of the contentions which was sought to be raised, which was the reason for the reference to the Constitution Bench, was whether Article 31C survived or not in view of the decision of this Court in Keshwanand Bharathi . The present case relates to the validity of that part of the Maharashtra Rent Control Act, 1999 insofar as it relates to the fixation of the standard rent specially in relation to the premises prior to 1.10.1987.

2. In the present case also the respondents have sought to rely on the provisions of Article 31C so as to contend that no part of this Act can be impugned. In view of this stand Mr. Nariman states that he will have to contend on behalf of the petitioners that Article 31C does not survive, the contention which was raised in the aforesaid case which has been referred to a Constitution Bench.

3. In view of the aforesaid it would, in our opinion, be more appropriate that this case alongwith the I.A. Nos. 2 and 3 in Civil Appeal Nos. 2797-98/1992 as well as the Writ Petition and the connected matters are referred to a larger Bench to be heard alongwith the case - Property Owners Association v. State of Maharashtra . We may record that Mr. Nariman states that the question of applicability of Article 31C would not arise in regard to the I.A. Nos. 2 and 3 which is essentially concerned, according to him, with the non-implementation of the decision of this Court in Malpe Vishwanath Acharya and Ors. v. State of Maharashtra and Anr. .

4. To be placed before Hon'ble the Chief Justice for appropriate orders. Liberty to mention.