

Supreme Court of India

State Of U.P. And Ors. vs Surain Singh on 29 March, 1985

Equivalent citations: AIR 1985 SC 930, 1985 (1) SCALE 1169, (1985) 3 SCC 126, 1985 (17) UJ 743 SC

Bench: A Sen, V Khalid

JUDGMENT

1. The question involved in this appeal by certificate seems to be covered by the decision of this Court in *Maganlal Chhagganlal (P) Ltd. v. Municipal Corporation of Greater Bombay and Ors.* . which impliedly overrules the Full Bench decision of the Allahabad High Court in *Raja Ram Verma v. State of Uttar Pradesh* taking a view to the contrary. In the *Maganlal Chhagganlal's* case, the question was as to the validity under Article 14 of the Bombay Municipal Corporation Act, 1888 and the Bombay Government Premises (Eviction) Act, 1955 which conferred on the authorities the power to initiate eviction proceedings against unauthorized occupants of Corporation and Government premises. The majority speaking through Alagiriswami J. disapproved the majority view in *Northern India Caterers Private Ltd., and Anr. v. State of Punjab and Anr.* . and held that the statutes lay down the purpose behind them, that is, that premises belonging to the Corporation and the Government should be subjected to speedy procedure in the matter of evicting unauthorized persons occupying them. This is regarded as sufficient guidance for the authorities to take action and an indication for the officers to avail themselves of the procedure prescribed by the Acts and not resort to the dilatory procedures of the ordinary Civil Court. It was accordingly held that the Act could not be struck down on the possibility of discrimination between occupiers of the Municipal and Government properties and if it happened, the Court was not powerless. Besides, it was found that the procedure under the Acts under consideration was not so harsh or onerous as to suggest a discrimination under Article 14. In view of this, the Full Bench decision of the Allahabad High Court in *Raja Ram Verma's* case, *supra*, holding that the Act was ultra vires the Constitution in its entirety cannot therefore be treated as good law. In the present case, the petition filed by the respondents in the High Court under Article 226 was allowed solely on that ground. As held by this Court in *State of Uttar Pradesh v. Arshad Ali Khan* view of the majority decision of the Court in the *Maganlal Chhagganlal's* case, the Act cannot be deemed to suffer from any constitutional infirmity. Following the course adopted in the case of *Arshad Ali Khan*, we accept the appeal, set aside the impugned judgment and remand the case to the High Court for deciding the other points raised in the petition before it. We hope and trust that it would be possible for the High Court to dispose of the writ petition as expeditiously as possible; in any event, not later than two months from today. There shall be no order as to costs.