

9Sl. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			WPMS No.2938 of 2023 <u>Hon'ble Sharad Kumar Sharma, J.</u> Mr. Sagar Kothari, Advocate, for the petitioner. Mr. Vikas Bahuguna, Advocate, for the caveator. Both the parties are on a common platform for the purposes of seeking a final adjudication of this writ petition, which arises out of the concurrent judgments, as it has been rendered by the court of Civil Judge (Senior Division), Dehradun, in the capacity of being the Prescribed Authority in PA Case No.43 of 2015, "Smt. Anita Pandey Vs. Tejpal Singh Rawat", being the proceedings which was drawn under section 21 (1) (a) of the Act, whereby the release application was allowed on the ground of the bona fide need pleaded by the respondent/landlord was allowed, and later on, upon a challenge being given in the appeal under section 22 of the Act No.13 of 1972, the appeal preferred by the petitioner/tenant being Rent Control Appeal No.12 of 2017, "Tejpal Singh Rawat Vs. Smt. Anita Pandey", has been dismissed,

			whereby concurrently affirming the findings, recorded with regards to the bona fide need and comparative hardship qua the respondent landlord. Learned counsel for the petitioner initially without venturing to address the writ petition on merits, have sought two years time to vacate the premises, but this is too long a period to be granted, as the same has been also opposed by the respondent counsel for the reason being that the release itself stood instituted in the year 2015, which as of now, is about eight years old proceedings, which happens to be a contrary to the provisions contained under Rule 15 of the Rules framed under the Act No.13 of 1972. But in order to balance the equities, the petitioner is agreeable that, in case, if he is granted one years' time to vacate the tenement in question, he would not have any grievances as such. The said offer extended by the applicant upon being placed to the learned counsel for the respondent, though is being opposed, but ultimately he accedes that in case if this Court grants one years' time to vacate the premises, he may not be having
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			any objection, as such. Thus, this writ petition would stand dismissed with the following conditions:- (1) That the petitioner, herein, would within a period of three weeks from today, submit an affidavit by way of an undertaking before the court of learned Prescribed Authority, affirming to vacate the premises within a period of one year from today. (2) The affidavit would contain a condition that during this intervening period of extended occupancy, the petitioner would not alter or change the nature of the tenement in question in any manner whatsoever. (3) The petitioner undertakes that he would not create any sub-tenancy or create any interest over the tenement in question and would peacefully hand over the possession to the respondent/landlord, upon the termination of the period as granted above. (4) During the intervening period, till the petitioner vacates the premises, he would ensure to remit the payable
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			rent as payable on the date of the filing of the release application by 10th of each month to the respondent/landlord. (5) If any of the aforesaid conditions are not complied with, the protection thus granted of occupancy for a period of one year would automatically stand terminated and the impugned orders, which are under challenge in the writ petition would revive back to be executed by the respondent/landlord in accordance with law. Subject to the aforesaid, the writ petition stands dismissed. (Sharad Kumar Sharma, J.) 17.10.2023 NR
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