

Court No. - 4

Case :- WRIT - A No. - 14840 of 2023

Petitioner :- Ramautar

Respondent :- Ramesh Chand Sharma

Counsel for Petitioner :- Satya Prakash Singh, Arvind Srivastava

Counsel for Respondent :- Amitabh Agarwal

Hon'ble Prakash Padia, J.

1. Heard Sri Arvind Srivastava, learned counsel along with Sri Satya Prakash Singh, learned counsel for the petitioner and Sri Amitabh Agarwal, learned counsel for respondent.

2. The petitioner has preferred the present petition with the prayer to quash the orders dated 01.08.2023 passed by Additional District & Session Judge, (Fast Track Court), Court No.3, Bulandhshahar in Rent Control Appeal No. 09/2019, (Ramautar Vs. Ramesh Chand Sharma) as well as the order dated 26.03.2019 passed by prescribed authority/judge small causes, Bulandhshahar in Rent Case No. 05/2015, (Ramesh Chand Sharma Vs. Ramautar).

3. It is argued by learned counsel for the petitioner that in Rent Appeal filed by the petitioner, a specific ground has been taken that the proper opportunity of hearing was not provided to the petitioner and the aforesaid fact has also been mentioned by the Appellate Authority in its judgement and order dated 01.08.2023 but no findings have been given in its judgement in this regard. It is argued that the order passed by the Appellate Authority is bad in law and prays that the order dated 01.08.2023 passed by the Appellate Authority in Rent Appeal No.09 of 2019 is liable to be set aside.

4. On the other hand, it is argued by Sri Amitabh Agarwal, learned counsel for respondent that findings recorded by both the Court

are absolutely perfect and valid and does not call for any interference by this Court specially under Article 226 of the Constitution of India where the scope of interference in the findings are very limited. Insofar as the argument raised by Sri Arvind Srivastava, learned counsel for the petitioner regarding no proper opportunity was provided to the petitioner is concerned, this fact has not been denied by learned counsel for the respondent.

5. It reveals from perusal of the internal page 15 of aforesaid order, the arguments that proper opportunity of hearing was not provided to the petitioner is noted down but the same has not been discussed in the entire judgement.

6. In this view of the matter, the order dated 01.08.2023 passed by Additional District & Session Judge, (Fast Track Court), Court No.3, Bulandhshahar in Rent Control Appeal No. 09/2019, (Ramautar Vs. Ramesh Chand Sharma) is liable to be quashed and the same is hereby quashed.

7. The Writ Petition is partly allowed.

8. The Appellate Authority is directed to pass fresh order in the matter strictly in accordance with law.

Order Date :- 19.10.2023

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