

Court No. - 4

Case :- MATTERS UNDER ARTICLE 227 No. - 11842 of 2023

Petitioner :- Smt. Chhavi Natha And Another

Respondent :- Amod Kumar Srivastava

Counsel for Petitioner :- Shivakant Singh,Ram Swaroop (Singh)

Hon'ble Prakash Padia,J.

1. Heard learned counsel for the petitioners and perused the record.
2. The basic relief sought by the petitioners in the present petition filed under Article 227 of the Constitution of India is to direct the court below to decide the Rent Case No.165 of 2016 (Smt. Chhavi Natha Vs. Amod Kumar Srivastava), under Section 21 (1) A of U.P. Rent Act No.13 of 1972 expeditiously.
3. In view of the order proposed to be passed herein, no useful purpose would be served by putting the respondent(s) to notice and keeping this petition pending before this Court. However, in case the respondent(s) feels aggrieved by the order his/her right to seek modification/variation of the order is being kept reserved.
4. It is argued by counsel for the petitioners that the matter was listed on various occasions for final disposal since 2022. Counsel for the petitioners also placed reliance upon Sub Rule (1) of Rule 15 of the U.P. Urban Buildings (Regulation of Letting, Rent and Eviction) Rules, 1972. It is provided under Sub Rule (1) of Rule 15 of the U.P. Urban Buildings (Regulation of Letting, Rent and Eviction) Rules, 1972 that every application for release under Section 21 (1) shall specify the ground or grounds on which the tenant is sought to be evicted and it is provided under Sub Rule (3) of Rule 15 of the U.P. Urban Buildings (Regulation of Letting, Rent and Eviction) Rules, 1972 that every application referred to in sub-rule (1)

shall, as far as possible, be decided within two months from the date of its presentation. Rule 15 of the U.P. Urban Buildings (Regulation of Letting, Rent and Eviction) Rules, 1972 is reproduced hereinbelow:-

"15. Application for release of buildings under occupation of tenant [Section 21 (1)].?"

(1) Every application for release under Section 21 (1) shall specify the ground or grounds on which the tenant is sought to be evicted.

(2) The application or its reply shall be signed and verified in the manner prescribed under Rules 14 and 15 of Order VI of the First Schedule to the Code of Civil Procedure, 1908 (Act No. V of 1908). If there are more than one landlords, the application shall be signed by all the co-landlords.

(3) Every application referred to in sub-rule (1) shall, as far as possible, be decided within two months from the date of its presentation."

5. In the facts and circumstances of the case, the present petition is disposed of directing the court concerned to decide the aforesaid case strictly in accordance with law in view of the rules as quoted above unless there is no legal impediment.

6. It is made clear that the court below will not grant any unnecessarily adjournment.

Order Date :- 22.11.2023

Pramod Tripathi