

Court No. - 18

Case :- WRIT - A No. - 9683 of 2023

Petitioner :- Syed Masroor Ali @ Raja

Respondent :- Rent Tribunal/District Judge Lko. And 2 Others

Counsel for Petitioner :- Suresh Chandra Shukla, Mohd. Idris Ansari

Hon'ble Shree Prakash Singh, J.

Heard learned counsel for the petitioner and perused the material placed on record.

The instant petition has been filed with the following reliefs :-

"(i) Issue a direction to opposite parties no. 1 & 2 to stay the operation of order dated 23-08-2023 passed by the learned Rent Authority/A.D.M. City (East), Lucknow during pendency of Rent Appeal No. 271 of 2023(Masroor Ali @ Raja Vs. Naved Hamid Khan) filed by the appellant i.e. petitioner.

(ii) Issue a direction to the opposite parties no. 1 & 2 to decide the interim relief application i.e. para 11 of the appeal as earliest as possible.

(iii)

(iv)....."

Learned counsel appearing for the petitioner submits that the Rent Appeal bearing No. 271 of 2023(Masroor Ali @ Raja Vs. Naved Hamit Khan) was preferred before the District Judge, Lucknow, whereafter, the matter was heard on 09-11-2023 and 16-11-2023 and vide order dated 16-11-2023, the appeal was admitted and the matter was fixed for hearing on 04-12-2023, but, the interim relief application is still pending consideration and even after admission of the rent appeal, the effect and operation of the order under challenge is not stayed. He added that later on the matter was transferred to the Special Court, (P.C. Act), Court No. 4, Lucknow, though thereafter, the District Judge, Lucknow wrote a letter to the Special Secretary, Housing and Urban Planning, U.P., Lucknow regarding nomination of a judicial officer in rent tribunal established under U.P. Regulations of Urban Premises Tenancy Act, 2021 (hereinafter

referred to as 'Act, 2021') at Lucknow on 03-05-2022, which is still unresponded. He added that since the order under challenge was not stayed and there is no judicial officer nominated by the state to hear the matter, therefore, the order passed by the court below is being complied with. He added that the fate of the appeal would frustrate if the order of the court below is not stayed. Therefore, submission is that the District Judge, Lucknow may be directed to consider and decide the interim relief application of the petitioner as per the provisions of the Act, 2021.

Considering the aforesaid submissions, it is apparent that the appeal instituted by the petitioner was admitted vide order dated 16-11-2023 while fixing the date for 04-12-2023, but, the order of the court below was not stayed and even the matter is transferred to such a court, which is not having jurisdiction to hear the matter as per the provisions of Act, 2021.

In view of aforesaid submissions and discussions, the District Judge, Lucknow is hereby directed to consider and decide the interim relief application of the petitioner expeditiously, as per the provisions of 'Act, 2021'.

Till a final decision is taken on the interim relief application moved by the petitioner, the compliance order under challenge in the appeal no. 271 of 2023, shall remain stayed.

With the aforesaid observations, the instant petition is hereby **allowed**.

Order Date :- 18.12.2023
AKS