

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).569/2011

(From the judgement and order dated 11/11/2010 in CR No.6116/2010 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

RAM LAL (DEAD)

Petitioner(s)

VERSUS

RAM DASS

Respondent(s)

(With appln(s) for bringing on record the LRS. Of deceased petitioner and c/delay in filing substitution appln. and with prayer for interim relief and office report)

(FOR FINAL DISPOSAL)

WITH

SLP(C)No.4716/2011 ANITA SOOD & ORS.

Vs. MANJIT SINGH

(WITH APPLN.(S) FOR INTERVENTION
AND WITH PRAYER FOR INTERIM RELIEF)
(FOR FINAL DISPOSAL)

SLP(C)No.11913/2011 MANVINDER SINGH

Vs. HARJEET KAUR GILL

(WITH PRAYER FOR INTERIM RELIEF
AND OFFICE REPORT)
(FOR FINAL DISPOSAL)

SLP(C)No.33411-33412/2011 HARJINDER SINGH

Vs. BALJIT KAUR

(WITH APPLN.(S) FOR BRINGING ON
RECORD ADDITIONAL DOCUMENTS AND
EXEMPTION FROM FILING O T AND
WITH PRAYER FOR INTERIM RELIEF
AND OFFICE REPORT)
FOR FINAL DISPOSAL)

SLP(C)No.29688/2011 VISHVA SHRAVA TALWAR MALIK

Vs. DAVINDER SINGH AULAKH

(WITH PRAYER FOR INTERIM RELIEF
AND OFFICE REPORT)
(FOR FINAL DISPOSAL)

SLP(C)No.26925/2011

RAM KRISHAN GROVER AND ORS

Vs. UNION OF INDIA AND ORS

(WITH APPLN.(S) FOR DELETION OF
THE NAME OF RESPONDENT AND
PERMISSION AND WITH PRAYER FOR
INTERIM RELIEF)
(FOR FINAL DISPOSAL)

SLP(C)No.27346/2011 VISHVA SHRAVA TALWAR MALIK

Vs. U.O.I AND ORS.

(WITH PRAYER FOR INTERIM RELIEF
AND OFFICE REPORT)
(FOR FINAL DISPOSAL)

SLP(C)No.28107/2011 SUBHASH CHANDER & ORS.

Vs. UNION OF INDIA & ORS.

(WITH APPLN.(S) FOR DELETION OF

THE NAME OF RESPONDENT AND
DELETION OF RESPONDENTS AND WITH
PRAYER FOR INTERIM RELIEF AND
OFFICE REPORT)
(FOR FINAL DISPOSAL)

SLP(C)No.28371/2011 M/S AMERICAN PRINTING PRESS & ORS.

Vs. UNION OF INDIA & ORS.
(WITH APPLN.(S) FOR DELETION OF
THE NAME OF RESPONDENT AND WITH
PRAYER FOR INTERIM RELIEF AND
OFFICE REPORT)
(FOR FINAL DISPOSAL)

SLP(C)No.29044/2011 STATE OF HARYANA
Vs. KALU SHER BAHADUR SINGH
(WITH PRAYER FOR INTERIM RELIEF
AND OFFICE REPORT)
(FOR FINAL DISPOSAL)

SLP(C)No.30744/2011 SUBHASH CHAND DHOOPER
Vs. UNION OF INDIA & ORS.
(WITH APPLN.(S) FOR IMPLEADMENT
AND VACATING STAY AND WITH PRAYER
FOR INTERIM RELIEF AND OFFICE REPORT)
(FOR FINAL DISPOSAL)

SLP(C)No.31192/2011 RAMANDEEP SINGH & ORS.
Vs. NIRMALJIT KAUR
(WITH PRAYER FOR INTERIM RELIEF
AND OFFICE REPORT)
(FOR FINAL DISPOSAL)

SLP(C)No.31284/2011 SUMEET KUMAR BABBAR & ORS.
Vs. UNION OF INDIA & ORS.
(WITH APPLN.(S) FOR DELETION OF
RESPONDENTS AND WITH PRAYER FOR
INTERIM RELIEF)
(FOR FINAL DISPOSAL)

SLP(C)No.28593/2011 M/S PINKY RADIOS & ORS.
Vs. UNION OF INDIA & ORS.
(WITH APPLN.(S) FOR DELETION OF
THE NAME OF RESPONDENT AND WITH
PRAYER FOR INTERIM RELIEF AND OFFICE REPORT)
(FOR FINAL DISPOSAL)

SLP(C)No.12541/2012 MANOHAR LAL MAHAJAN
Vs. KULDIP SINGH MAHAL
(WITH APPLN.(S) FOR PERMISSION TO
RAISE ADDITIONAL QUESTION OF LAW
AND WITH PRAYER FOR INTERIM
RELIEF AND OFFICE REPORT)
(FOR FINAL DISPOSAL)

SLP(C)No.18242-18246/2012 RAJIV CHUGH
Vs. GURPAL SINGH & ORS.
(WITH PRAYER FOR INTERIM RELIEF
AND OFFICE REPORT)
(FOR FINAL DISPOSAL)

SLP(C)No.18378/2012 AMARJIT SINGH
Vs. AMARJIT KAUR PUAR
(WITH PRAYER FOR INTERIM RELIEF
AND OFFICE REPORT)
(FOR FINAL DISPOSAL)

SLP(C)No.25380/2012 BACHITTAR SINGH
Vs. JASWANT SINGH SAGGU
(WITH OFFICE REPORT)
(FOR FINAL DISPOSAL)

SLP(C)No.2091/2012 MANVINDER SINGH
Vs. UNION OF INDIA & ORS.
(WITH PRAYER FOR INTERIM RELIEF
AND OFFICE REPORT)
(FOR FINAL DISPOSAL)

SLP(C)No.34304/2012 KULBIR SINGH SARA
Vs. UNION OF INDIA & ORS.
(WITH PRAYER FOR INTERIM RELIEF
AND OFFICE REPORT)

SLP(C)No.17458/2013 MANGWINDER CHAHAL
Vs. RAMESH KUMAR SUDERA
(WITH PRAYER FOR INTERIM RELIEF
AND OFFICE REPORT)

Date: 03/12/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA
HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE KURIAN JOSEPH

For Petitioner(s)

SLP 569/2011 Mr. Jai Kishor Singh, Adv.
Mr. Gopal Balwant Sathe, Adv.

SLP 33411-33412/2011 Dr. Vinod Kumar Tewari, Adv.

SLP 29688/2011 &
SLP 31192/2011 Mr. Harshvir Pratap Sharma, Adv.
Mr. Pankaj Kumar, Adv.
Mr. Bhal Singh Malik, Adv.

SLP 34304/2012 Mr. Satinder S. Gulati, Adv.
Mrs. Kamaldeep Gulati, Adv.

SLP 25380/2012 Mr. Ritesh Khatri, Adv.

SLP 29044/2011 Ms. Nupur Choudhary, Adv.
Mr. Kamal Mohan Gupta, Adv.

SLP 11913/2011 Mr. Huzefa Ahmadi, Sr. Adv.
Ms. Kaveeta Wadia, Adv.
Mr. Shashank Tripathi, Adv.
Mr. Vikash Jain, Adv.

SLP 4716/2011 Mr. Nidhesh Gupta, Sr. Adv.
Ms. Kaveeta Wadia, Adv.
Mr. Vikash Jain, Adv.

SLP 12541/2012 Ms. Kaveeta Wadia, Adv.
Mr. Vikash Jain, Adv.
Mr. Shashank Tripathi, Adv.

SLP 2091/2012 Ms. Kaveeta Wadia, Adv.
Mr. Vikash Jain, Adv.
Mr. Shashank Tripathi, Adv.

SLP 17458/2013 Mr. Rishi Malhotra, Adv.
SLP 31284/2011 Mr. Sanjai Kumar Pathak, Adv.
SLP 26925/2011,
SLP 28107/2011,
SLP 28371/2011,
SLP 28593/2011 &
SLP 18242-46/2012 Ms. Garima Prashad, Adv.
SLP SLP 30744/2011 Mr. Sumit Kumar, Adv.
SLP SLP 27346/2011 Mr. Naveen Malik, Adv.
Mr. Subhasish Bhowmick, Adv.
SLP SLP 18378/2012 Mr. Ankur S. Kulkarni, Adv.
Ms. Nirnimesh Duhe, Adv.
Mr. Anand Srivastava, Adv. for
M/S. Lex Regis Law Offices

For Respondent(s)

M/S. Karanjawala & Co.
Mr. Ashok K. Mahajan, Adv.
Mr. Arvind Kumar Gupta, Adv.
Mr. A.S. Pundir, Adv.
Mr. S.K. Bansal, Adv.
Ms. Savitri Bansal, Adv.
Mr. A.Venayagam Balan, Adv.
Mr. Arun Monga, Adv.
Mr. D.K. Monga, Adv.
Mr. Tushar Bakshi, Adv.
Ms. Naresh Bakshi, Adv.
Mr. Sanjai Kumar Pathak, Adv.
Mr. Deepak Goel, Adv.
Mr. Rajat Sharma, Adv.
Mr. Ashok Sehgal, Adv.
Mr. Subhasish Chowmick, Adv.
Mr. Yash Pal Dhingra, Adv.
Mr. Jatinder Kumar Bhatia, Adv.
Mr. Mukesh Verma, Adv.
Mr. Ajit Kumar Pande, Adv.
Mr. P.N. Puri, Adv.
SLP 29044/2011 Dr. Surat Singh, Adv.
Mr. Manoj Gorkela, Adv.
Mr. Brajesh Kumar Singh, Adv.
Mr. Sunit Jidani, Adv.
Mr. Anil Kumar Tandale, Adv.
Mr. Satinder S. Gulati, Adv.
Ms. Kamaldeep Gulati, Adv.
Mr. Anand Mishra, Adv.

Dr. (Mrs.) Vipin Gupta, Adv.

Mr. Anil Kumar Mishra, Adv.

Mr. Mohan Jain, A.S.G.

Mr. D.K. Thakur, Adv.

Ms. Padma Laxmi Nigam, Adv.

Mr. B. Krishna Prasad, Adv.

Mr. Ritesh Khatri, Adv.

UPON hearing counsel the Court made the following

O R D E R

S.L.P. (Civil) No. 29044 of 2011

At page 6 of the impugned order, the High Court has observed as follows :-

"Faced with this situation, learned counsel appearing on behalf of the petitioner-State has made an effort to challenge the impugned order on the ground that the petitioner cannot be held to be an NRI as admittedly he was settled in Iran by birth and has not even disclosed the birth place of his father. The argument as raised is noticed only to be rejected as admittedly, the respondent is holding an Indian passport."

2. In view of the above, we are satisfied that the challenge to the vires of the East Punjab Urban Rent Restriction Act, 1949 is nothing but a desperate attempt to stall the eviction order against it being taken to logical conclusion.

3. Special leave petition is, accordingly, dismissed.

4. Learned counsel for the petitioner prays that reasonable time may be given to the petitioner for vacation of the subject premises. She submits that one year will be reasonable time.

5. Dr. Surat Singh, learned counsel for the respondent, has no objection to the grant of reasonable time to the petitioner for vacation of the subject premises.

6. Having regard to the above, subject to the petitioner filing usual undertaking before this Court within six weeks from today through its Chief Secretary, we grant time to the petitioner upto November 30, 2014 for handing over vacant and peaceful possession of the subject premises to the respondent.

7. Besides the usual undertaking, the petitioner shall pay the arrears of rent, if any, to the respondent within six weeks from today and shall also pay the entire rent upto November 30, 2014 in advance within six weeks from today.

S.L.P. (Civil) No. 29688 of 2011

We have heard Mr. Harshvir Pratap Sharma, learned counsel for the petitioner.

2. Two fold submission has been made by the learned counsel for the petitioner, (i) leave to defend the eviction petition was wrongly denied to the petitioner and (ii) the notification dated 9.10.2009 by which the Central Government had extended the provisions of East Punjab Urban Rent Restriction Act, 1949 (for short "1949 Rent Act") as amended by the East Punjab Urban Rent Restriction (Amendment) Act, 2001 to the Union Territory of Chandigarh is ultra vires. The contention of the learned counsel for the petitioner is that the exercise of power in terms of Section 87 of the Punjab Reorganisation Act, 1966 (for short "1966 Act") could not have been done by extending Section 13-B of the 1949 Rent Act to the Union Territory of Chandigarh by an executive action; it could only be done by way of an Act of Parliament.

3. Coming to the second point first, this Court in Ramesh Birch and others vs. Union of India and others AIR 1950 SC 560 has

expressly held while dealing with section 87 of the 1966 Act that delegation of power on the Executive to extend any law in force in any part of India to the Union Territory of Chandigarh is valid. This is so even on the "policy on guideline" theory prevalent in relation to the delegation of legislative power. In Paragraph 23 of the Report, it is stated as follows :-

"But, these niceties apart, we think that S. 87 is quite valid even on the "policy and guideline" theory if one has proper regard to the context of the Act and the object and purpose sought to be achieved by s. 87 of the Act. The judicial decisions referred to above make it clear that it is not necessary that the legislature should "dot all the t's" and cross all the t's" of its policy. It is sufficient if it gives the broadest indication of a general policy of the legislature. If we bear this in mind and have regard to the history of this type of legislation, there will be no difficulty at all. Section 87, like the provisions of Acts I, II and III, is a provision necessitated by changes resulting in territories coming under the legislative jurisdiction of the Centre. These are territories situated in the midst of contiguous territories which have a proper legislature. They are small territories falling under the legislature jurisdiction of Parliament which has hardly sufficient time to look after the details of all their legislative needs and requirements. To require or expect Parliament to legislate for them will entail a disproportionate pressure on its legislative schedule. It will also mean the unnecessary utilisation of the time of a large number of members of Parliament for, except the few (less than ten) members returned to Parliament from the Union Territory, none else is likely to be interested in such legislation. In such a situation, the most convenient course of legislating for them is the adaptation, by extension, of laws in force in other areas of the country. As Fazal Ali J. pointed out in the Delhi Laws Act case, it is not a power to make laws that is delegated but only a power to "transplant" laws already in force after having undergone scrutiny by Parliament or one of the State Legislatures, and that too, without any material change. There is no dispute before us--and it has been unanimously held in all the decisions--that the power to make modifications and restrictions in a clause of this type is a very limited power, which permits only changes that the different context requires and that changes in substance. There is certainly no power of modification by way of repeal or amendment as is available under S. 89."

4. In view of the above, the second contention raised by the learned counsel for the petitioner has no merit.

5. As regards the first contention about refusal to grant leave to the petitioner to defend the eviction petition, suffice it to say that from the material on record, it is amply clear that the respondent-landlord was born in Village Raikot Bassian, District Ferozepur (now District Monga) on 13.3.1993. Initially, he had gone to Canada to settle there permanently. However, he has come back to India permanently and there is no dispute that he is presently residing in Chandigarh in the small space available to him in the house, major portion of which has been let out to the petitioner. No good ground for leave to defend the eviction petition filed by the respondents has been made out by the petitioner. The Rent Controller, Chandigarh cannot be said to have erred in passing the order declining to grant leave to the petitioner to defend the eviction petition on merits. The order of the High Court also does not call for any interference.

6. In view of the above, special leave petition is liable to be dismissed and is dismissed. However, subject to petitioner filing an undertaking on usual terms before this Court and payment of arrears of rent and rent upto 31.3.2014 within four weeks from today,

the petitioner is granted time upto 31.3.2014 to vacate the subject premises. In default of filing the undertaking or payment of arrears of rent/future rent upto 31.3.2014 within four weeks, the eviction order shall become executable immediately.

In the remaining matters

List these matters on December 10, 2013.

(Rajesh Dham)	(Pardeep Kumar)	(Renu Diwan)	
Court Master	Court Master	Court Master	