

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

WPMS No. 862 of 2003

State of Uttarakhand & othersPetitioners.

Versus

Smt. Guruvachan Kaur & othersRespondents.

Present : Mr. P. C. Bisht, Advocate for the petitioners.
Mr. B. P. Nautiyal, Advocate for the respondents.

Hon'ble Sudhanshu Dhulia, J. (Oral)

Heard Mr. P. C. Bisht, Advocate for the petitioners as well as Mr. B. P. Nautiyal, Advocate for the respondents.

This writ petition has been filed by the State challenging the order passed by the Assistant Collector/Rent Control and Eviction Officer Kashipur, District Udham Singh Nagar dated 23.11.2002 in Rent Control Case No. 5 of 2000 by which the rent of the premises has been increased from the Rs.225/- to Rs.2232/-. The petitioner has also challenged the order dated 2.6.2003 passed by the District Judge, Udham Singh Nagar by which the appeal against the order dated 23.11.2002 has been dismissed.

The order of the prescribed authority as well as the appellate authority perused. There is a clear provision under Section 21 (8) of the Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972 that rent can be increased of a premises which is let out to the State. The method is also given by which this increase is to be made under Section 21 (8) of the Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972, which reads as under :-

“21. Proceedings for release of building under occupation of tenant.- (1) ...

(2) ...

(3) ...

(4) ...

(5) ...

(6) ...

(7) ...

(8) Nothing in clause (a) of sub-section (1) shall apply to a building let out to the State Government or to a local authority or to a public sector corporation or to a recognised educational institution unless the Prescribed Authority is satisfied that the landlord is a person to

whom clause (ii) or clause (iv) of the Explanation to sub-section (1) is applicable :

Provided that in the case of such a building the District Magistrate may, on the application of the landlord, enhance the monthly rent payable therefore to a sum equivalent to one-twelfth of ten per cent of the market value of the building under tenancy, and the rent so enhanced shall be payable from the commencement of the month of tenancy following the date of the application:

Provided further that a similar application for further enhancement may be made after the expiration of a period of five years from the date of the last order of enhancement.]

The total valuation of the premises in dispute is Rs.2,67,800/- of which one-twelfth of ten per cent comes to Rs.2232/-, which is what has been fixed by the concerned authority. There is concurrent finding of both the court below. There is no anomaly in the orders passed by the court below and no interference is called for by this Court.

Writ petition is absolutely frivolous and is liable to be dismissed and is hereby dismissed.

No order as to costs.

(Sudhanshu Dhulia, J.)
30.9.2010

Kuldeep