

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.14281 of 2004(O & M)

Date of Decision:06.02.2014

Manjit Kaur and another

....petitioners

Versus

State of Punjab and another

.....respondents

**CORAM: HON'BLE MR.JUSTICE SANJAY KISHAN KAUL, CHIEF JUSTICE
HON'BLE MR.JUSTICE ARUN PALLI**

- 1.Whether Reporters of local papers may be allowed to see the judgement?**
- 2. To be referred to the Reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

Present: Mr.J.S.Toor, Advocate
for the petitioners

Mr.J.S.Puri, Additional Advocate General, Punjab

SANJAY KISHAN KAUL, CHIEF JUSTICE (ORAL):

Learned Additional Advocate General, Punjab, pointed out that the challenge laid in Sections 4,5 and 6 of the East Punjab Urban Rent Restriction Act, 1949, does not survive in view of that Act being repealed and the Punjab Rent Act, 1995, having come into force.

Learned counsel for the petitioners, however, submits that the Punjab Rent Act,1995 was not notified for a considerable period of time but came to be notified only on 10.10.2012 and the date when it came into effect is 30.11.2013. However, before the Act came into force, on the specified date, the amendment was made to that Act by the Amending Act 33 of 2013, whereby the protection of the repealed Act was maintained for the existing tenancies.

The result of the aforesaid is that the existing tenancies continued to be governed not only by Sections 4,5 and 6 of the earlier Act but also other provisions of that Act would apply. However, if the said provisions have to be examined now, it would have to be in the context of

Section 75(2) of the new Act, which has been incorporated by the Amending Act 33 of 2013. No such challenge has been made in the present petition as there was no occasion to do so at that time.

We are, thus, of the view that in case the petitioners seek to continue to maintain challenge, they would have to file a fresh petition not only assailing the provisions of the East Punjab Urban Rent Restriction Act, 1949, but its continued application post repeal in view of provisions of Section 75(2) of the Punjab Rent Act, 1995.

We, thus, dispose of the present petition with liberty to the petitioners to file a fresh petition in this behalf, if so advised.

(SANJAY KISHAN KAUL)
CHIEF JUSTICE

06.02.2014
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(ARUN PALLI)
JUDGE