

2022 LiveLaw (SC) 49

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

HEMANT GUPTA; V. RAMASUBRAMANIAN, JJ.

7th JANUARY, 2022

CIVIL APPEAL NO.223 OF 2022 (@ SLP(C) No.21271/2021)

SHARADA DAYADHISH SHETTY VERSUS THE DIRECTOR, CSIR-NCL & ANR.

Public Premises (Eviction of Unauthorised Occupants) Act, 1971; Section 2(e)(2)(ii) - Even if CSIR is a Society under the Societies Registration Act, 1860, it is an authority owned or controlled by the Central Government within the meaning of Section 2(e)(2)(ii) of the Act.

(Arising out of impugned final judgment and order dated 31-08-2021 in WP No. 4497/2021 passed by the High Court Of Judicature At Bombay)

For Petitioner(s) Mr. Pai Amit, AOR Mr. Prathamesh Bhargude, Adv. Ms. Ranu Purohit, Adv. Mr. Jayant Panse, Adv.

ORDER

Leave granted.

The challenge in the present appeal is to an order passed by the High Court on 31.08.2021 whereby the writ petition directed against an order of eviction passed under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (for short, 'the Act') was not interfered with, in the writ jurisdiction of the High Court.

The appellant is in possession of the premises ad-measuring 110 sq. ft. where she is running a Paan shop after the death of her husband. The husband was given the license to use the said premises on 16.06.1994.

The order of eviction was passed by the Estate officer on 08.02.2018. The appeal before the District Judge was dismissed on 02.08.2021. It is the said orders which were not interfered with by the High Court.

The sole argument of Mr. Pai, learned counsel appearing for the appellant is that the premises in possession of the appellant cannot be said to be public premises within the meaning of Section 2(e) of the Act as the Council of Scientific and Industrial Research (CSIR) does not fall within the definition of clause (e) of the Act. Section 2(e)(2)(ii) of the Act reads thus:-

"2.....

(e) "public premises" means—

(1)

(2) any premises belonging to, or taken on lease by, or on behalf of,

(i)

(ii) any corporation (not being a company as defined in section 3 of the Companies Act, 2013 (18 of 2013)), or a local authority established by or under a Central Act and owned or controlled by the Central Government....."

A perusal of the written statement filed by the respondent before the District Judge shows that it was averred that National Chemical Laboratory (NCL) is a constituent laboratory of CSIR. It is an autonomous body under the auspices of Department of Science and Industrial Research, Ministry of Science and Technology, Government of India. Hon'ble the Prime Minister of India is the exofficio President and the Minister-in-charge of the Ministry or Department dealing with CSIR is the ex-officio Vice President of CSIR.

In view of the said fact, even if CSIR is a Society under the Societies Registration Act, 1860, it is an authority owned or controlled by the Central Government within the meaning of Section 2(e)(2)(ii) of the Act.

In view of the aforesaid fact, we do not find any reason to interfere with the order passed by the High Court.

The appeal is dismissed accordingly.

However, learned counsel for the appellant seeks time to vacate the premises. The appellant is granted time upto 31st March, 2022 to vacate the premises subject to filing of an undertaking to handover vacant physical possession of the premises on or before 31st March, 2022 and to pay entire arrears of rent including rent for the month of March 2022 within 2 weeks. Such undertaking be filed within two weeks.

Pending applications, if any, also stand disposed of.