

Punjab and Haryana High Court Bar Association Regd. and another

V/s

Chandigarh Administration and others

Present: Mr. Chetan Mittal, Senior Advocate with
Ms. Shifali Goyal, Advocate and
Mr. Ritvik Garg, Advocate for the petitioners.

Mr. Rohit Sud, President with
Dr. Kirandeep Kaur, Joint Secretary,
Ms. Kamla Mahek, Advocate and
Ms. Sumanjit Kaur, Executive Member,
for Punjab and Haryana High Court Bar Association.

Mr. Satya Pal Jain, Additional Solicitor General of India
(*through video conferencing*) with
Mr. Dheeraj Jain, Senior Advocate and
Ms. Shreyansi Verma, Central Government Counsel,
for the respondent – Union of India.

Mr. Amit Jhanji, Senior Standing Counsel with
Mr. Abhinav Sood, Additional Standing Counsel,
Ms. Eliza Gupta, Advocate,
Ms. Mehndi Singhal, Advocate,
Mr. Anmol Gupta, Advocate,
Mr. Sayyam Garg, Advocate and
Ms. Kudrit, Advocate for respondents No.1, 2, 5 and 6.

The present petition has been filed challenging the notification dated 06.05.2026 (Annexure P-8) by which Assam Tenancy Act, 2021 (hereinafter referred to as '2021 Act'), copy of which has been appended as Annexure P-9, has been extended to Union Territory of Chandigarh with certain modifications.

The challenge to said notification dated 06.05.2026 has been raised on various grounds, such first ground taken is qua the jurisdiction of union to exercise powers under Section 87 of Punjab Reorganization Act, 1966 (hereinafter referred to as '1966 Act') so as to repeal the East Punjab Urban Rent Restriction Act, 1949 (hereinafter referred to as '1949 Act') so as

to make applicable 2021 Act vide notification dated 06.05.2026, second ground taken is that even if it is assumed that it is within the jurisdiction of the Union of India to issue the notification dated 06.05.2026, but provisions of 2021 Act which have been made applicable upon U.T., Chandigarh are in contravention to the settled principle of law as provision of said Act of 2021 grants the power of adjudication to the Executive Authority by taking the same away from the Judicial Officers. Another argument which has been raised by the petitioners is that keeping in view the provisions of 2021 Act which have been extended to U.T., Chandigarh, same will give rise to anomalous situation, as qua the same building any landlord claiming relief of eviction who has already filed petition for eviction on one ground which is pending adjudication before the Court before issuance of notification dated 06.05.2026, such litigation will continue to operate under the provisions of 1949 Act and any such subsequent entitlement of a landlord so as to claim eviction of the same tenant qua the same premises on any other ground, he/she will have to avail remedy qua eviction in another jurisdiction i.e. before Executive Authority which would mean going before separate authorities for same relief, qua same building.

Learned Senior counsel appearing on behalf of the petitioners further argues that even as of now, though the notification dated 06.05.2026, which is under challenged has been issued, but as a matter of fact, no rules have been framed so as to implement said notification dated 06.05.2026 and for the past 3 weeks, the same is causing prejudice as, after 06.05.2026 i.e. the date 2021 Act has been extended to U.T., petition for eviction cannot be filed under 1949 Act, and under 2021 Act, there is no infrastructure developed to avail such remedy. Hence, without appreciating the

circumstances as well as the jurisdiction to extend such acts to U.T., the said notification has been issued which needs to be set aside.

Learned Senior counsel appearing on behalf of the petitioners argues that as challenge to the jurisdiction of union to issue the notification 06.05.2026 (Annexure P-8) has been raised, coupled with the fact that even the notification dated 06.05.2026 cannot be implemented even as on today, same being devoid of rules and infrastructure, till the issues which are raised in the present petition are decided, the implementation of the notification dated 06.05.2026 may kindly be stayed.

Notice of motion.

Ms. Shreyansi Verma, Central Government Counsel, accepts notice on behalf of the respondent – Union of India.

Mr. Abhinav Sud, Additional Standing Counsel accepts notice on behalf of the U.T., Chandigarh Administration.

Learned counsel for the respondents seek an adjournment to respond to such averments made in the petition by way of filing reply.

Learned Senior counsel appearing on behalf of the respondents submits that once the notification dated 06.05.2026 has already been issued, and it has already been three weeks that the notification is already on record, and the adjudication upon validity of such notification is being done by this Court, the implementation of the notification dated 06.05.2026 be not stayed and the issue qua the same be decided finally after getting the reply from the respective respondents.

We have heard the learned Senior Counsel appearing on behalf of the respective parties as well as Mr. Rohit Sud, the learned President of this Bar.

This Court is required to keep in mind certain aspects while deciding the plea of interim order sought. Once a challenge has been raised to the notification dated 06.05.2026 and it is a conceded position that the notification dated 06.05.2026 has been issued by union by exercising the powers under Section 87 of the 1966 Act the jurisdiction to issue such notification so as to repeal 1949 Act is to be adjudicated. The said provision is as under:

“87. Power to extend enactments to Chandigarh.—

The Central Government may, by notification in the Official Gazette, extend with such restrictions or modifications as it thinks fit, to the Union territory of Chandigarh any enactment which is in force in a State at the date of the notification.”

The said provision i.e. Section 87 of 1966 Act has come up for consideration for its interpretation before Hon’ble Supreme Court of India whether, the same provides with the jurisdiction to union for addition of such provisions/rules so as to cover any lacuna in the existing law applicable or, the same can be interpreted in the way that under Section 87 of 1966 Act existing law can be substituted or any such power exists with Union of India to repeal an already existing statute. While deciding **Civil Appeal No.2440 of 1989 titled Ramesh Birch and others Vs. Union of India and others** alongwith the other connected Civil Appeals, Hon’ble the Supreme Court of India, interpretation of Section 87 of 1966 Act, which is as under:

“We think it would not be correct to thus unduly restrict the scope of a provision like Section 87. The better way to put the principle, we think, is to say that the extension of an enactment which makes additions to the existing law would also be permissible under Section 87 so long as it does not, expressly or impliedly, repeal or conflict with, or is not repugnant to, an already existing law.

xxx

xxx

xxx

(8) Sri Swarup raised a point that if Section 87 is read as empowering the extension of any law at any time, Section 89 which prescribes a maximum time limit of two years within which to adapt existing laws for their application to Chandigarh would become redundant. This argument overlooks a very crucial difference between Sections 87 and 89. This is that, within the period of two years mentioned in Section 89, the Central Government can, while adapting pre-existing laws make any changes therein, including changes by way of repeal or amendment. But Section 87, though capable of enforcement indefinitely, confers a more limited power. It can be invoked only to extend laws already in existence to the Union territory and cannot make any substantial changes therein. The power under Section 89 is limited in time but extensive in scope while under Section 87 the power is indefinite in point of duration but very much more restricted in its scope.”

Prima facie, subject to any other argument to be raised by the respondent, the interpretation given to Section 87 of 1966 Act is that said Section has been enacted for addition to the existing laws so as to cover any lacuna in the existing law applicable but same cannot be made operational to repeal the existing laws under Section 87 of 1966 Act. Further, it is a conceded fact that as per notification dated 06.05.2026 the power of being a Rent Controller which was conferred with the Judicial Officers by the State of Punjab by way of issuing a notification, said jurisdiction has now been given to the Executive Authority. The said issue has to be looked into whether, keeping in view the latest judgment of the Hon’ble Supreme Court of India in **Madras Bar Association Versus Union of India and another, 2026 (2) SCC 1** to ascertain that, where the disputes are with regard to the tenancy and evictions, whether the same can be entertained to be decided by the Executive Authority or same needs to be decided by the Judicial Officer. The

said issue also needs to be looked into to see whether, the notification dated 06.05.2026 will stand the scrutiny of the settled principle of law so as to give jurisdiction for adjudication of the rent disputes to the Executive Authority.

Not only this, as of now, three weeks have elapsed since notification dated 06.05.2026 was issued. Keeping in view the fact that the infrastructure for redressal of disputes under notification dated 06.05.2026 is yet to be provided, the same has not been implemented. Further, even as per the notification dated 06.05.2026, the rules need to be framed under clause 13 of the notification dated 06.05.2026. The same is as under:

“13. In the Principal Act, for section 45, the following section shall be substituted, namely:-

"45. Laying of rules- Every rule made under this Act shall be laid as soon as may be, after it is made, before each House of the Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive session aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule, should not be made, the rule, shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”

It is a conceded position that even as of now, such rules have not seen the light of the day. That being so, there is no procedure, which is in place for implementation of the notification dated 06.05.2026 as of now.

The effect of the same is that for the last three weeks, no one, who wants to avail any remedy qua the rent dispute, has been able to avail the remedy under notification dated 06.05.2026, as, 1949 Act stand repealed

and notification dated 06.05.2026 lacks implementation due to non-availability of infrastructure and non-framing of the rules so as to make operational 2021 Act which has been made applicable to U.T., Chandigarh. Once, it was clear that the rules are need to be framed for implementation of notification dated 06.05.2026, which is under challenge, in case 1949 Act is to be rescinded or modified, the better way to implement said notification was to ensure that when the transition was being made so as to make 2021 Act applicable over U.T., Chandigarh and to repeal 1949 Act, the same is smooth, so that there is no chance of ambiguity, learned Senior counsel appearing on behalf of the respondent have not been able to rebut that the infrastructure needed if any available with the respondent, has not been brought into operation so far. Even rent authority has not been notified so far.

Further, it is the general public who is at loss, as this Court has been informed that under 1949 Act, cases to the tune of approximately 30-50 a day are instituted, but due to the notification dated 06.05.2026 no remedy is available for the redressal of the grievance, and such general public is suffering as of now due to the lack of notifying of the rule so as to identify the authority which are to work under notification dated 06.05.2026.

Keeping in view the totality of facts and circumstances of the present case, as this Court is not only to see the jurisdiction of union to issue the notification dated 06.05.2026 under Section 87 of the 1966 Act but also whether power to adjudicate disputes qua rent can be given to the Executive Authority in view of the settled principle of law coupled with the fact that the rules in order to implement the notification dated 06.05.2026 are yet to be framed so as to make operational the notification dated 06.05.2026 and once framed, same are to be put up before the Parliament for its approval.

Learned Senior counsel representing the U.T., Chandigarh Administration has not been able to rebut that the authorities required to discharge the duties under the notification dated 06.05.2026 have not been brought into operation yet. Even staff required to run such forum, for redressal of rent disputes is also not in place. The procedure to be adopted so as to avail the remedy under 2021 Act is not in place. Practically as of now, the notification dated 06.05.2026 cannot be implemented for redressal of the grievance of the personnel, whom the 2021 Act has been made applicable while issuing notification dated 06.05.2026. Under these circumstances, in order to remove the grievances of the general public so as to provide a Forum for redressal of their grievance, the Court has to intervene, so that no inconvenience is caused to the general public to seek the remedy available under law. For the last 21 days, there is no Forum available where a person aggrieved qua rent dispute can approach to avail the remedy.

Once a duly effective remedy for redressal of rent disputes was available upto 06.05.2026, taking away such remedy without providing an alternate efficacious remedy, which was operational till 06.05.2026, the same has to be looked into by the Court, so as to come to rescue of the general public, so that they are not left remediless or are prejudiced in any manner to seek effective redressal of their grievances.

Further, as mentioned earlier the issues raised in the writ petition qua challenged to the notification dated 06.05.2026 goes to the root of the jurisdiction to issue such notification. In case, the Court comes to the conclusion that no jurisdiction exists with union under Section 87 of 1966 Act to issue notification dated 06.05.2026, 1949 Act has to be made operational. Hence, the said issue should be decided first before shifting to 2021 Act. As, the respondents are yet to submit their stand before this Court

coupled with the facts of inconvenience being caused and the general public not being able to avail the remedy for the redressal of their grievances as of now in view of notification dated 06.05.2026, till the next date of hearing the notification dated 06.05.2026 would be kept in abeyance and 1949 Act will remain in operation, so that anyone having grievances qua their premises in respect of rent/eviction can avail remedy without being prejudiced.

As prayed for by the respondents, adjourned to 14.07.2026.

It may be noticed that this *interim* order will not restrict the respondents to go ahead with regard to the creation of the infrastructure as well as any rules which are required for implementation of the notification dated 06.05.2026 in the meantime, so that in case, the infrastructure and the rules are available, upon the vacation of the interim order or deciding of the writ petition finally, whichever is earlier, in case needed, the notification dated 06.05.2026 could be implemented without any delay.

**(HARSIMRAN SINGH SETHI)
JUDGE**

29.05.2026
Pankaj

**(DEEPAK MANCHANDA)
JUDGE**