

Rajesh Goyal Vs. M/s. Laxmi Constructions & Ors.

Civil Appeal No. _____ of 2026 @ SLP (Civil) No. 27184 of 2025 · Supreme Court of India · 2026-03-25 · Sanjay Karol · Nongmeikapam Kotiswar Singh · F2J-C-1056

Full judgment text

Rajesh Goyal Vs. M/s. Laxmi Constructions & Ors.

[Civil Appeal No. _____ of 2026 @ SLP (Civil) No. 27184 of 2025]

Sanjay Karol J.

1. Leave Granted.

2. This appeal is at the instance of the tenant challenging the order and judgment passed in Writ Appeal No.8420 of 2025 by the High Court of Judicature at Allahabad dated 17th July 2025, allowing the landlord's appeal thereby setting aside the order of the Additional District Magistrate (Administration), Saharanpur1, allowing the petition for restoration of proceedings, preferred by the appellant.

3. Our order dated 22nd September 2025 recorded the chequered history of this dispute, in detail. We may reproduce the same:

"2. The dispute pertains to Bungalow Hall Municipality No.2/1410/11 (Old No.43) Rose Bank, Ahmed Bagh/Chandranagar, Court Road, Saharanpur, Uttar Pradesh. Legal proceedings were initiated under Section 21(2) of the U.P. Urban Premises Rent Control Ordinance, 2021 which came to be numbered as Case No.2082/2022 titled "Ashish Kumar, son of Shri Laxmi Kumar vs. Harsh Goyal, son of Shri Virender Goyal".

3. The Additional District Magistrate (Administration) Saharanpur-1 vide order dated 07.09.2022 held, relationship of landlord and tenant to be in existence inter se the parties and directed the tenant (appellant herein) to vacate the disputed property within 30 days. Such a finding was affirmed by the Appellate Authority viz., District Judge, Saharanpur in Rent Control Appeal No.57/2022 vide order dated 22.01.2024.

4. The High Court also by its order dated 14.05.2024 in "Matters under Article 227 No.1821/2024", confirmed these findings. Not satisfied by having three Courts decide against him, the tenant tried his luck before this Court vide SLP(C)No.21177 of 2024 which was also dismissed on 20.09.2024 observing as under:-

"1. After having heard learned counsel for the parties, we do not find any ground to interfere with the impugned judgment passed by the High Court. The Special Leave Petition is, accordingly, dismissed.

2. Learned counsel for the petitioners prays for minimum six months' time to vacate the suit premises. In the facts and circumstances of the case, we direct that the suit premises shall be vacated by the petitioners on or before 31.03.2025 subject to payment of rent and arrears thereof. The petitioners shall hand over the vacant possession of the suit premises to the respondents on or before 31.03.2025 and shall not part with or create third party right therein. The petitioners shall file a usual undertaking in this regard within a period of two weeks from today before the Registrar, High Court of Judicature at Allahabad. The violation of the aforesaid terms would be treated as non-compliance of the order of this Court.

3. Pending interlocutory application(s), if any, is/are disposed of.

5. The tenant sought a review of the said order being Review Petition (C)Dy.No. 50976 of 2024 titled "Harsh Goyal & Anr. vs. M/s. Laxmi Construction & Ors." which also was dismissed vide order dated 18.03.2025 in the following terms:-

"Delay condoned. IA No. 31347/2025 for listing review petition in open court is rejected. We have carefully perused the Review Petition as also the grounds taken in the petition. In our opinion, no case for review of order dated 20.09.2024 is made out. The Review Petition is, accordingly, dismissed. Pending application(s), if any, shall stand disposed of"

6. Obstinate, the tenant filed a Misc. Application bearing No.505 of 2025 in SLP (C) No. 21177 of 2024 against the dismissal of the Special Leave Petition as also the Review Petition. This was also dismissed by order dated 24.03.2025 which reads as under:-

"1) After hearing learned counsel, we are not inclined to entertain this miscellaneous application. Accordingly, the miscellaneous application is dismissed. Pending application(s), if any, shall stand disposed of"

7. These proceedings, thus culminated in the landlord-tenant relationship inter se the parties being not only established beyond question but also, the tenant having been told in no uncertain terms that he has to vacate the disputed premises and handover the peaceful possession thereof to the landlords. Ordinarily, these proceeding ought to have been put to rest here. However, it is not so.

8. Still further, the tenant filed a restoration application before the competent authority being Case No. RST/2169/2025 directed against the original order dated 07.09.2022. Surprisingly, this application stood allowed by order dated 15.05.2025.

9. The Saga continues. Aggrieved by this order of the competent authority, the landlord approached the High Court by way of Writ Appeal No. 8420 of 2025 which was allowed as under:-

"Accordingly, the present petition is allowed and impugned order dated 15.05.2025 passed by the Rent Authority/Additional District Magistrate (Administration), Saharanpur is set aside. The matter is remitted to the Rent Authority to decide the application of respondent nos. 3 & 4 under Rule 34(H) read with Rule 11(D) of U.P. Act No. 16 of 2021 afresh strictly in accordance with law within a period of three months from the date of production of certified copy of this order after giving due notice and opportunity of hearing to all the concerned parties. There shall be no order as to costs."

It is this order that has been challenged by way of the present Special Leave Petition.

10. Parallely, the landlord-initiated contempt proceedings before this Court bearing Contempt Petition (Civil) No.218/2025 for non-compliance of the order passed by this Court directing the tenant to vacate the premises on or before 31.03.2025. Order dated 09.09.2025 by this Court passed in the contempt petition reads as under:-

"1) In the present case, after the judgment of eviction passed by the Rent Controlling Authority, First Appellate Court and by the High Court, SLP (C)No. 21177of 2024 preferred by the respondents-contemnors was dismissed on 20.09.2024. While dismissing the special leave petition, on the request made by the contemnors, time to vacate the premises till 31.03.2025 was allowed. They were directed to file undertaking which they have furnished. Review Petition and Miscellaneous Application for modification filed by them were also dismissed by this Court.

2) After elapse of time on 31.03.2025, application dated 30.04.2025 was entertained by the Rent Controlling Authority and order of recall of the judgment of eviction was passed. The said order has been set aside by the High Court.

3) In the said situation, after hearing learned senior counsel appearing on behalf of both the parties, we have asked the contemnors-Mr. Harsh Goyal and Mr. Rajesh Goyal, who are present in the Court, whether they are ready to vacate the premises as directed and as per the undertaking given. It is stated by the contemnors that they shall vacate the premises within two weeks. Taking a lenient view, we grant two weeks' time to vacate the premises, subject to further orders of this Court.

4) Affidavit of delivery of possession handing over the keys to the other side be filed on or before the next date of listing.

5) List on 26th September, 2025.

6) In case the possession has not been handed over, the respondents-contemnors shall remain personally present on the next date of listing."

11. Today this Special leave Petition against the above mentioned order of the High Court dated 17.05.2025 has come up for admission. We find that this petition has been filed on 19.09.2025 after the undertaking as recorded above had been given. This, in our considered view, is nothing short of, the gross abuse of process of law, and overreaching the orders passed by this Court. As such, we decline to entertain this petition on merits.

12. However, in the attending facts and circumstances, the tenant is directed to deposit cost quantified @ Rs. 5 Lakhs (Rupees Five Lakhs Only) with the Supreme Court Middle Income Group Legal Aid Society. Further, considering how the present proceedings have come up before this Court, particularly the competent authority entertaining a restoration application against an order in respect of which this Court had already dismissed a Special Leave Petition, we issue notice to the Authority i.e., Additional District Magistrate (Administration), Division-Saharanpur, District: Tehsil, who had entertained and decided the application seeking review of the initial order dated 07.09.2022, as to why proceedings for contempt need not be initiated against her/him.

13. A copy of this order is directed be sent to the Registrar General of the High Court of Judicature at Allahabad for necessary information and compliance.

14. List the matter on 31.10.2025."

(emphasis supplied)

4. In essence, the relationship of landlord and tenant which stood established and affirmed all the way upto this Court with the dismissal of the SLP and the order to vacate, further approved with the dismissal of the review petition and miscellaneous application, was sought to be disturbed by filing a petition before the Rent Authority.

5. The sole issue which survives for our consideration, in view of the above, is the show cause notice issued to the Additional District Magistrate (Administration), Division- Saharanpur, for having passed orders in ignorance of and in spite of orders passed by this Court.

6. The dispute inter se the parties is concerned with the eviction from tenanted premises on the ground that rent as agreed had not been paid. An application, was therefore, made under Section 21(2) of the UP Urban Premises Rent Control Ordinance, 2021 which reads as under:

"21....

(2) The Rent Authority may, on an application made to it by the landlord in such manner as may be prescribed, make an order for eviction and recovery of possession of the premises on one or more of the following grounds, namely:-

(a) that the tenant does not agree to pay the rent payable under section 8;

(b) that the tenant has not paid the arrears of rent and other charges payable in full as specified in subsection (1) of section 13 for two consecutive months, including interest for delayed payment as may be specified in the tenancy agreement within a period of one month from the date of service of notice of demand for payment of such arrears of rent and other charges payable to the landlord:

Provided that in relation to a tenant who is a member of the armed forces of the Union and in whose favour the prescribed authority under the Indian Soldiers (Litigation) Act, 1925 (Act no. 4 of 1925) has issued a certificate that he is serving under special conditions within the meaning of section 3 of that Act or where he has died by enemy action while so serving, then in relation to his heirs, the words "two months" in this clause shall be deemed to have been substituted by the words "one year";"

7. It may also be noticed that the Ordinance in itself makes clear the nature of jurisdiction and power conferred thereby, is circumscribed. The relevant Section is as under, as given under the subsequently enacted legislation being UP Urban Premises Rent Control Act, 2021:

"38. (1) Save as otherwise provided in this Act, no Civil Court shall entertain any suit or proceeding in so far as it relates to the provisions of this Act. (2) The jurisdiction of the Rent Authority shall be limited to tenancy agreement submitted to it as specified in the First Schedule and shall not extend to the question of title or ownership of premises."

8. It is seen that the landlord-tenant relationship inter-se the parties was a point beyond reproach, or in other words, have been conclusively established across all levels of judicial review. This Court, while agreeing with the findings returned by the Courts below, held that there was no reason to grant Special Leave to Appeal. It was however ordered that the vacant and peaceful possession of the premises in question be handed over to the landlord. This became a binding and operative direction. When this is the direction occupying the field, we are at a loss to conceive of a situation where an action of the Rent Authority can, in effect, render the finding confirmed on appeal to the High Court as also this Court, a nullity by compromising the basis therefor.

9. Still further, it is an elementary and well understood position in law that the question of title which was sought to be challenged by the tenant in the restoration proceedings, alleging that the landlord in fact had no title, is squarely within the domain of the Civil Court, and not the Rent Authority, more so, when the statute under which the Rent Authority exists, itself states that the only question such an Authority can consider is the existence of a landlord-tenant relationship and not title.

10. It emanates from the record that the sale deed through which the rights of the property in question came to rest with the landlord was, apparently, forged as per the tenant. He filed an application before the Superintendent of Police, Saharanpur making such allegations and it was recommended by the said Authority to register a case against the landlords.

When nothing came off this conclusion, an application was made under Section 173(4) BNSS 2023 to the Chief Judicial Magistrate, Saharanpur, seeking similar relief. The Chief Judicial Magistrate, Saharanpur, called for the record from the District Magistrate regarding the allegations and as a consequence thereof, the Additional District Magistrate, Saharanpur submitted a Report dated 31st December 2024. The conclusion in the said Report is that the sale deeds were in violation of the Registration Act 1908 and have been obtained by concealing the relevant facts.

11. Before proceeding further, it be noted that the Rent Authority, and the Additional District Magistrate, Saharanpur, who prepared the Report, are one and the very same. So, on the basis of the findings arrived at by her, in one capacity, in yet another capacity, she has allowed the application for restoration. Simply put, the investigation entrusted to her by virtue of being Additional District Magistrate, pervaded her in exercising the power as the Rent Authority.

This, in our considered view, is impermissible for the latter is a special statute with clearly defined areas of action. On the basis of the Report, it would have been open for the tenant (complainant) to take appropriate remedies in law, for example filing a suit for declaration. As the Additional District Magistrate, she would have been authorized to entertain the same should the applicable rules so permit but, however, she could not have set aside, while acting as the Rent Authority something that was in the clear purview of her other role.

12. The position that an order passed without jurisdiction is nullity, needs no exposition and as such, the Rent Authority's order for recall being 15th May 2025, is declared void.

13. In these facts, we may observe that the only reason this matter has resulted in the passing of this order is because the cherished principle of judicial discipline and adherence to generally accepted principles of law was put to the wayside. Respect for the authority of orders passed post adjudication by a judicial activity, be it this Court or the High Court is a basic principle of judicial comity, more so, upon attaining finality. The principle of nullity of jurisdiction is also common knowledge and well established. Yet, here we are. It has to be acknowledged that this is not the first time this Court is confronted with such a situation. We may only make reference to what has been observed on similar past instances as follows: In *Baradakanta Misra v. Bhimsen Dixit*²,

"15. The analogy of the inferior court's disobedience to the specific order of a superior court also suggests that his conduct falls within the purview of the law of contempt. Just as the disobedience to a specific order of the Court undermines the authority and dignity of the court in a particular case, similarly the deliberate and mala fide conduct of not following the law laid down in the previous decision undermines the constitutional authority and respect of the High Court. Indeed, while the former conduct has repercussions on an individual case and on a limited number of persons, the latter conduct has a much wider and more disastrous impact. It is calculated not only to undermine the constitutional authority and respect of the High Court, generally, but is also likely to subvert the Rule of Law and engender harassing uncertainty and confusion in the administration of law."

In *Union of India v. Kamalaksi Finance Corpn. Ltd.*³,

"6. The principles of judicial discipline require that the orders of the higher appellate authorities should be followed unreservedly by the subordinate authorities."

In *C. Ravichandran Iyer v. Justice A.M. Bhattacharjee*⁴, "Duty of the Judge to maintain high standard of conduct. Its judicial individualism - Whether protection imperative?

21. Judicial office is essentially a public trust. Society is, therefore, entitled to expect that a Judge must be a man of high integrity, honesty and required to have moral vigour, ethical firmness and impervious to corrupt or venial influences. He is required to keep most exacting standards of propriety

in judicial conduct. Any conduct which tends to undermine public confidence in the integrity and impartiality of the court would be deleterious to the efficacy of judicial process. Society, therefore, expects higher standards of conduct and rectitude from a Judge.

Unwritten code of conduct is writ large for judicial officers to emulate and imbibe high moral or ethical standards expected of a higher judicial functionary, as wholesome standard of conduct which would generate public confidence, accord dignity to the judicial office and enhance public image, not only of the Judge but the court itself. It is, therefore, a basic requirement that a Judge's official and personal conduct be free from impropriety; the same must be in tune with the highest standard of propriety and probity.

The standard of conduct is higher than that expected of a layman and also higher than that expected of an advocate. In fact, even his private life must adhere to high standards of probity and propriety, higher than those deemed acceptable for others. Therefore, the Judge can ill-afford to seek shelter from the fallen standard in the society.

23. To keep the stream of justice clean and pure, the Judge must be endowed with sterling character, impeccable integrity and upright behaviour. Erosion thereof would undermine the efficacy of the rule of law and the working of the Constitution itself. The Judges of higher echelons, therefore, should not be mere men of clay with all the frailties and foibles, human failings and weak character which may be found in those in other walks of life.

They should be men of fighting faith with tough fibre not susceptible to any pressure, economic, political or of any sort. The actual as well as the apparent independence of judiciary would be transparent only when the officeholders endow those qualities which would operate as impregnable fortress against surreptitious attempts to undermine the independence of the judiciary. In short, the behaviour of the Judge is the bastion for the people to reap the fruits of the democracy, liberty and justice and the antithesis rocks the bottom of the rule of law."

In M.A. Murthy v. State of Karnataka⁵,

"8. The doctrine of binding precedent helps in promoting certainty and consistency in judicial decisions and enables an organic development of the law besides providing assurance to the individual as to the consequences of transactions forming part of the daily affairs."

14. This general position has been stated only for the purpose of reiterating the position and is not to be construed as a comment on the actions of the particular officer whose orders are subject matter of scrutiny in this case.

15. On the show cause notice issued by this Court, the Rent Authority has tendered an unconditional apology. We accept the same without reproducing here the details thereof. We make it clear that these proceedings in no way shall impact the career progression of the concerned judicial officer.

16. We may only observe in the end, that jurisdiction especially at the level of the Trial Courts is a creation of specific statutes and the learned judges must be cognizant, always of the differences in the jurisdiction conferred upon them thereby. Appeal is disposed of accordingly. Pending applications(s), if any, shall stand closed.

.....J. (Sanjay Karol)

.....J. (Nongmeikapam Kotiswar Singh)

New Delhi;

March 25, 2026

1 Rent Authority

2 (1973) 1 SCC 446

3 1992 Supp (1) SCC 443

4 (1995) 5 SCC 457

5 (2003) 7 SCC 517

Source disclosure: Complete sanitized public judgment text retained for research; official-primary replacement remains pending.

Disclaimer: General information only. Verify the current legal position and obtain professional advice before acting.