

Shafait Ali Through Supreme Court Legal Aid Committee

Vs

Shiva Mal (Dead) By Lrs.

Civil Appeal No. 2047 of 1982

(Sabyasachi Mukharji, G. L. Oza JJ)

31.07.1987

JUDGMENT

SABYASACHI MUKHARJI, J. -

1. This is an appeal by special leave against the judgment and order dated March 16, 1982 of the High Court of Delhi in Civil Revision No. 147 of 1982 directing eviction of the premises in question under Section 14(1)(e) of the Delhi Rent Control Act on the ground of bona fide requirement of the landlord. The special leave was sought for and obtained from this Court on the ground that Civil Appeal No. 1051/81 and Special Leave Petition (Civil) No. 2290/82 were pending at the time. It appears that the said appeal has been disposed of by this Court in Ravi Dutt Sharma v. Ratan Lal Bhargava ((1984) 2 SCR 614 : (1984) 2 SCC 75 : AIR 1984 SC 967) where this Court held that Sections 14-A, 14(1)(e), 25-A, 25-B and 25-C of the Delhi Rent Control Act are special provisions so far as the landlord and tenant are concerned and further in view of the non-obstante clause in the section these provisions override the existing law so far as the new procedure is concerned. In that view of the matter we are of the opinion that the Slum Areas Improvement and Clearance) Act, 1956 would have no application in cases covered by Sections 14-A and 14(1)(e) of the Delhi Rent Control Act especially in view of the provisions which were added by the Amending Act of 1976.
2. This Court held that there is no difference either on principle or in law between Sections 14(1)(e) and 14-A of the Rent Act even through these two provisions relate to eviction of tenants under different situations.
3. This Court further held that in view of the procedure in Chapter III-A of the Rent Act, the Slum Act is rendered inapplicable to the extent of inconsistency and it is not, therefore, necessary for the landlord to obtain permission of the Competent Authority under Section 19(1)(a) of the Slum Act before instituting a suit for eviction and coming within Section 14(1)(e) or 14-A of the Rent Act.
4. In the premises the appeal fails and is dismissed. There will be no order as to costs.
5. The decree for eviction shall not be executed before November 30, 1987 provided the appellant files an undertaking in the usual form within four weeks from today.

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