

SUPREME COURT OF INDIA

Municipal Corporation of Delhi

Vs.

Vinod Bhasin (Smt)

(D.P. Wadhwa and D.P. Mohapatra JJ.)

11.02.2000

ORDER

D.P. WADHWA, J.

1. Petitioner is seeking special leave to appeal from the judgment dated May 20, 1999 of Delhi High Court. By this judgment High Court reversed the order of Additional Rent Controller granting leave to defend to the petitioner [Municipal Corporation of Delhi (for short 'Corporation')] under Section 14D of the Delhi Rent Control Act, 1958 (for short 'the Act'). Respondent as landlady sought eviction invoking the provisions of Section 14D of the Act, she being a widow.

2. It is submitted by Mrs. Sawhney, learned Counsel for the Corporation, that two substantial grounds were raised before the Additional Rent Controller for the purpose of granting leave to defend and that the High Court was wrong in reversing that order. She said two grounds were that there was no relationship of landlord and tenant between the parties as the respondent had no title to the property and that premises in question was not let out either by husband or by her. Mr. Minocha, learned Counsel for the respondent raised a preliminary objection as to the maintainability of this petition under Article 136 of the Constitution. He said no leave should be granted to the Corporation inasmuch as it has raised a false plea as to the title to the property of the husband of the respondent by concealing facts which were to its knowledge.

3. It is not disputed that the respondent is the widow of Chander Mohan Bhasin, who died on May, 25, 1995. He had purchased this property from its previous owner on April 3, 1991. After purchase of the property Bhasin, husband of the respondent informed the Corporation by his letter, sent in July, 1991 requesting for mutation in his name. This letter was received in the office of the Assistant Assessor and Collector of the Corporation of the area concerned on July 18, 1991. Corporation was told that the property was purchased by Bhasin by registered document and the particulars thereof were also given. Nothing happened. Again, on December 23, 1991 another letter was sent by Bhasin to the Assistant Assessor and Collector praying for mutation of ownership of the property in his name. With this letter he also sent photocopy of the sale deed. Again nothing happened. Bhasin went on writing to the Corporation. For the first time his letter of February 1, 1994 was acknowledged by the Corporation and he was informed by letter dated August 8, 1994 of the Corporation that the property had been mutated in his name. With such a record of the Corporation it certainly could not deny the title of the property with the widow of Bhasin and the relationship of landlady and tenant between them. It is difficult to accept the plea of the Corporation that there was

no attornment by it to Bhasin or to his widow, the respondent, establishing relationship of landlord and tenant between the parties.

4. It is now submitted before us by Mrs. Sawhney that Education Department of the Corporation, which was occupying the suit premises for running a school, was not aware of the ownership of the property having been acquired by Bhasin. This is a strange argument to advance. Mrs. Sawhney was unable to tell us which department of the Corporation in Delhi keeps the record of ownership of the property. According to her the Department of Assessor and Collector keeps the record of ownership of the property only for the purpose of collecting property tax. Assuming that Education Department was occupying the suit premises it could have certainly found out from the office of Assessor and Collector, which is also under the Corporation, as to who was the owner of the property at that time before raising a plea of denial of ownership of the respondent which in the circumstances, does not appear to be true. We must impute knowledge to the Corporation of the ownership of the respondent and its denial to that wrongful. It is not disputed that respondent is the widow of Bhasin. It is no part of the duty of respondent to again bring on record evidence as to her title to the property. It was for the Corporation before denying the title of the respondent to the property to have verified the same from its own records maintained by the Assessor and Collector.

5. Looking at this conduct of the Corporation in having denied the title of the respondent to the property and thus raising a plea, which in the circumstances is not true, we refuse to grant leave to the Corporation in the exercise of our jurisdiction under Article 136 of the Constitution.

6. The petition is, therefore, dismissed with costs.