

**SUPREME COURT OF INDIA**

MADAN LAL GUPTA

Vs.

RAVINDER KUMAR

06/12/2000

(S.R.Babu, K.G.Balakrishna)

Special Leave Petition (civil) 10729 2000

**JUDGMENT**

RAJENDRA BABU, J. :

S.L.P. (C) NO. 10729/2000

In this petition the petitioner is calling in question an order passed by the High Court in a Revision Petition arising out of a proceeding under the Delhi Rent Control Act. The Rent Controller refused to grant leave to contest the eviction petition filed by the respondent for his bonafide need. The question as to the extent of accommodation and the requirement of the respondent is dependent on actual facts arising in the case. Inasmuch as the Rent Controller as well as the High Court have examined the matter and concluded against the petitioner, we fail to understand as to how we can interfere with the decision made by the High Court affirming the order of the Rent Controller. However, the learned counsel for the petitioner sought to rely upon two decisions of this Court in Santosh Devi Soni v. Chand Kiran, JT 2000 (3) SC 397, and Liaq Ahmed & Ors. v. Shri Habeeb-Ur-Rehman, JT 2000 (5) SC 611. Neither of these two decisions set down any principle of law so as to call for interference by us. In these two cases on the facts arising in the case certain orders have been passed by this Court. Learned counsel for the petitioner sought to raise an additional ground relying upon a letter issued by the Director (Town Planning) on 29.06.2000 that the property in question in respect of which eviction is sought for is included in the areas which have already been declared as Slum Areas under Section 3 of the Slum Areas (Improvement & Clearance) Act, 1956. He further contended that Section 19 of the Slum Areas (Improvement & Clearance) Act, 1956 stands in the way of the landlord for evicting the tenant without obtaining previous permission in writing of the competent authority. This Court in Sarwan Singh & Anr. v. Kasturi Lal, AIR 1977 SC 265, held that the Delhi Rent Control Act wherein Chapter III-A and provisions of Sections 14-A, 25-A, 25-B, 25-C and 54 have been inserted in 1975 later to the Slum Areas (Improvement & Clearance) Act and, therefore, provisions of the Delhi Rent Act would prevail over the Slum Areas (Improvement & Clearance) Act. In view of the decision in Sarwan Singh & Anr. v. Kasturi Lal case (supra) the contention raised by the petitioner cannot stand and the same stands rejected.

Therefore, we find no reason to interfere with the order made by the High Court and dismiss the petition.

CONTEMPT PETITION (CIVIL) NO. 249/2000 IN S.L.P. (C) NO. 10729/2000

When the special leave petition came up for consideration at the stage of preliminary hearing, this Court, while directing issue of notice to the respondents of the case also granted ad interim stay of execution of the decree for possession in the meantime. But even so, it appears, respondent No. 1 with the help of respondent No. 2 made an attempt to enforce the decree contrary to the order of this Court. The counter affidavit filed on behalf of respondent No. 1 is rather astonishing and is set out hereunder:-

I submit that the Petitioner was granted stay of eviction on 24.7.2000, yet he made no effort to submit a certified copy of the stay order in the Court of the learned Rent Controller or serve a copy on me although he is living in the same building. Therefore, when the Petitioner showed only a photocopy of the proceedings dated 24.7.2000 (not the stay order), I expressed my doubt and showed reluctance to believe that the copy is a genuine one. Therefore, I asked the Contemner No. 2 about the truthfulness and validity of the stay as he is supposed to have knowledge of the proceedings in such cases. The Contemner No.2 told me that he is not bound by the orders of any other Court as his concerned Court has given him the warrant of possession to get the eviction of the suit premises. Contemner No. 2 further told me that it is the mandatory duty of the person having a stay order to inform the decree holder within 10 days of receiving the stay order and to intimate the concerned Court within 30 days. As the J.D. had not complied with this mandatory duty, Contemner No. 2 said that he is not bound to obey any order of any other Court. Contemner No. 2 further told that the J.D. had deliberately avoided to intimate any of the concerned parties. In view of the above facts stated by Contemner No. 2 to me, I asked the Contemner No. 2 to deliver the vacant possession of the suit premises as per the orders of the concerned Court.

This prevaricating stand taken by the respondent is rather shocking. Whatever be the merits of the case when an interim stay is granted by this Court all authorities and persons are bound by the orders made by it and there should be implicit obedience to the same; and, if there is any violation thereof, the same would result in erosion of the system itself. Therefore, the explanation offered by the first respondent is not at all satisfactory to mitigate the charge made against him.

However, it appears to us that the first contemner has acted at the guidance of the second contemner who is villian of the piece. At any rate at the intervention of the third contemner the actual possession of the property was not taken from the applicant and good sense prevailed. In these circumstances, we think, it is appropriate to close these proceedings subject to Contemner No.1 and 2 pay to the applicant a sum of Rs. 10,000/- each by way of exemplary cost and these proceedings come to an end on payment of the same. So far as the third contemner is concerned, the averments made in the petition are not very clear as to what his role has been. However, one thing is clear, that it is only at his intervention that the applicant has not been deprived of the possession of the property. Therefore, we discharge him and the proceedings against him shall stand dropped.