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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 19.08.2026

CNR No. DLHC010385652026

+ **RC.REV. 289/2026, CM APPL. 55600/2026 (U/O 41 Rule 5),
CM APPL. 55601/2026 (Ex.) & CM APPL. 55602/2026 (Delay
of 10 days in filing the petition)**

RABIA BEGUM Petitioner

Through: **Mr. B. Khan, Advocate.**

versus

SARITA SINGH Respondent

Through: **Mr. Praveen Suri, Advocate.**

**CORAM:
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**

% **JUDGEMENT (Oral)**

1. The present Petition has been filed under Section 25-B(8) of the **Delhi Rent Control Act, 1958¹**, assailing the **Order dated 05.01.2026²** passed by the **learned ARC-01, Central District, Tis Hazari Courts, Delhi³**, in **Eviction Petition bearing No. RC-ARC 192/2024⁴**, titled “*Sarita Singh v. Rabia Begum*”, whereby the leave to defend Application filed by the Petitioner herein in the Eviction Petition came to be dismissed by the learned ARC and consequently, the Petitioner herein was evicted from the tenanted premises i.e. **three rooms at the first floor in property No.5031, Gali Daroga Chellhu**

¹ DRC Act

² Impugned Order

³ learned ARC

⁴ Eviction Petition

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By: HARVINDER KAUR
BHATIA
Signing Date: 24.08.2026
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Singh Ghas Mandi, Pahari Dhiraj, Delhi-110006 area measuring 10.10 X 10.09, 13.6 X 8.6 and 12.2 X 13.6⁵.

2. Learned counsel appearing on behalf of the Petitioner seeks to assail the Impugned Order on the ground that other accommodation was available with the Respondent and, therefore, the *bona fide* requirement pleaded by the Respondent was not genuine, particularly when such alternate accommodation was stated to be available even within the same premises.

3. Learned counsel further submits that the subject property falls within a slum area, and, consequently, the learned ARC lacked jurisdiction to entertain and adjudicate the Eviction Petition.

4. He, accordingly, confines the challenge in the present Petition to the aforesaid aspects and prays that the Impugned Order be set aside.

5. This Court has heard learned counsel appearing on behalf of the Petitioner, and, with his able assistance, perused the relevant documents as well as the Impugned Order.

6. Before proceeding to examine the grounds of challenge urged on behalf of the Petitioner, it would be apposite to advert to the scope and ambit of the revisional jurisdiction vested in this Court under the *proviso* to Section 25B(8) of the DRC Act.

7. The contours of the aforesaid jurisdiction are well settled. The Hon'ble Supreme Court, in *Sarla Ahuja v. United India Insurance Co. Ltd.*⁶, *Hindustan Petroleum Corporation Ltd. v. Dilbahar Singh*⁷, and, more recently, in *Abid-Ul-Islam v. Inder Sain Dua*⁸, has

⁵ Subject premises

⁶ (1998) 8 SCC 119

⁷ (2014) 9 SCC 78

⁸ (2022) 6 SCC 30



consistently held that the jurisdiction exercised by the High Court under the *proviso* to Section 25B(8) of the DRC Act is supervisory and revisional in character and cannot be equated with the exercise of appellate jurisdiction.

8. The aforesaid principles have also been reiterated and relied upon by Coordinate Benches of this Court, *inter alia*, in ***Pankaj Pahwa v. Prem Wati & Ors.***⁹, and ***Sanjeev Hiranandani v. Sunny Grover***¹⁰.

9. In ***Abid-Ul-Islam*** (supra), the Hon'ble Supreme Court, while elucidating the legislative intendment underlying Section 25(B) of the DRC Act, observed that the omission of an appellate remedy against an Order passed by the learned Rent Controller is conscious and deliberate. The jurisdiction conferred upon the High Court is, therefore, one of superintendence over the decision-making process, including the legality and propriety thereof, and does not permit the High Court to substitute its own view for that of the learned Rent Controller merely because another view on the material available on record may be possible. The relevant observations of the Hon'ble Supreme Court read as under:

“23. The proviso to Section 25-B(8) gives the High Court exclusive power of revision against an order of the learned Rent Controller, being in the nature of superintendence over an inferior court on the decision-making process, inclusive of procedural compliance. Thus, the High Court is not expected to substitute and supplant its views with that of the trial court by exercising the appellate jurisdiction. Its role is to satisfy itself on the process adopted. The scope of interference by the High Court is very restrictive and except in cases where there is an error apparent on the face of the record, which would only mean that in the absence of any adjudication per se, the High Court should not venture to disturb such a decision. There is no need for holding a roving inquiry in

⁹ 2024:DHC:9322

¹⁰ 2025:DHC:11285



such matters which would otherwise amount to converting the power of superintendence into that of a regular first appeal, an act, totally forbidden by the legislature.”

10. In ***Pankaj Pahwa*** (supra), a Coordinate Bench of this Court, upon considering the principles enunciated in ***Abid-Ul-Islam*** (supra), reiterated that the jurisdiction exercised by this Court under the *proviso* to Section 25B(8) of the DRC Act is limited in scope and that this Court is not expected to substitute or supplant its view for that of the learned ARC. The revisional scrutiny is confined to examining the decision-making process and determining whether the Impugned Order suffers from an error apparent on the face of the record or an absence of adjudication warranting interference.

11. In view of the foregoing discussion, the position which emerges is that, while exercising jurisdiction under the *proviso* to Section 25B(8) of the DRC Act, this Court is neither required nor permitted to undertake a fresh appreciation of the material on record with a view to arrive at an independent conclusion on the merits of the dispute. Interference would be warranted only where the Impugned Order suffers from a jurisdictional error, manifest illegality, material irregularity or perversity, or where the conclusion arrived at by the learned ARC is wholly unreasonable or founded upon an erroneous premise of law. Equally, where a material plea has been left unconsidered, or the decision-making process otherwise discloses an error apparent on the face of the record, exercise of revisional jurisdiction may be warranted.

12. It is within the aforesaid limited parameters of revisional scrutiny that the grounds urged by the learned counsel on behalf of the Petitioner against the Impugned Order are required to be examined.



13. Since the challenge in the present Petition has been confined to the aforesaid aspects, it would be apposite to examine the findings returned by the learned ARC in respect thereof. The relevant portion of the Impugned Order is extracted hereinbelow:

14) Next it is contended hat the landlord/petitioner has not taken the permission of the competent authority (Slum). In this regard, it has been submitted by Id. Counsel for the petitioner that the property does not falls within the slum areas, therefore, there is no requirement for seeking the requisite permission as the present petition is a petition u/s 14(1) (e) of DRC Act. On the said aspect. it is necessary to refer to the case titled as **Shafait Ali Vs. Shiva Mal (Dead) by LRs AIR 1988 SC 214**, where in reference was made to judgment delivered in **Ravi Dutt Sharma Vs. Rattan Lai Bhargava AIR 1984 SC 967** and it was held that:

"Section 144, 14 (1)(E), 25A, 253 & 25C of Delhi Rent Control Act are special provisions so far as the landlord and tenant are concerned and further in the view of the non- obstante clause in the Section, these provisions override the existing law, so for as the new procedure is concerned. In that view of that matter, we are of the opinion that the Slum Areas (Improvement and Clearance) Act, 1956 would have no application in these cases covered by Section 14A und 14 (1)(E) of the Delhi Rent Control Act specifically in view of provisions which were added by the Amending Act of 1976. In view of the procedure in Chapter IIIA 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 U/s. 19(1) (A) of the Slum Act before instituting a suit for eviction and coming within Section 14(l) (e) of the Rent Act".

15) Accordingly in view of the above law, no permission was required by the petitioner before filing the present petition u/s 14 (1) (e) of DRC Act.

ALTERNATE ACCOMMODATION

19) With regard to the plea of alternative accommodation, it is contended by the respondent that the petitioner has various alternative accommodations available with her. *However, it is a well settled proposition of law that it is not sufficient that any kind of the property should be available to the petitioner/landlord to*



*rule out the benefit of 14(1)(e) of D.R.C. Act. The property available with the petitioner/landlord should also be reasonably suitable property. In **M M Quasim vs/ Manohar Lal Sharma, (1981) 3 SCC 36**, the Apex Court has that the landlord does not have an unfettered right to choose the premises *but merely showing that the landlord has some other vacant premises in his possession may not be sufficient to negative the landlord's claim if the vacant premises were not suitable for the purpose for which he required the premises.**

20) *Firstly*, it is contended on behalf of the respondent that petitioner has alternative accommodations available at the suit property itself. It is submitted that the suit property is built up property consisting of Ground Floor, First Floor, Second Floor and Third Floor. It is further submitted that apart from the rooms in possession of the respondent at the first floor, the suit property has various other rooms which are in the possession of the petitioner and are lying vacant. Per contra, it is submitted by the petitioner that rooms on suit property are in occupation of various tenants. Petitioner has further clarified that rooms on the ground floor are in possession of tenants Ajay Kumar, Arisha and Raja. The rooms on the first floor are in possession of respondent, Kanhaiya Lal and Shyam Lal. The rooms on the second floor are in possession of tenants Shahnawaj, Babloo, Dinesh Gupta and Zeenat. It is further submitted by petitioner that there is only one room on third floor which is occupied by tenant Bharat. Though the respondent has contended that petitioner has not filed any document to show the same, it is trite to state that onus is upon the respondent to show on prima facie basis that rooms are under the occupation and possession of the petitioner and not for the petitioner to prove the negative assertion. The said plea is also a bald averment only. It is trite to state that the burden is upon the tenant to show that other alternative suitable accommodation is available with landlord and how the said premises were suitable for the pleaded requirement. Reference is made to the judgment of the Hon' ble High Court of Delhi in the case of **Lalta Prasad Gupta Vs. Sita Ram, 2017 SCC Online Del 13026**, wherein it was held as under: -

"18. Thus, if the tenant seeks leave to defend controverting the requirement pleaded by landlord on the ground of the landlord, though at the time of requirement having alternate premises, having not used the same and instead having commercially exploited the same, ***the tenant must plead*** (a) the particulars of such premises: (b) the right/title of the landlord to the same: (c) ***that the said premises were vacant and available for use at the time of pleaded requirement of landlord***; (d) ***how the said premises were suitable for the pleaded requirement***; and



(e) how the landlord has deprived himself thereof i.e. by sale or letting and support the said pleas with material on the basis whereof such pleas will be proved.

21) Evidently, as per record the respondent has not filed any document to substantiate her plea. The photographs of said properties showing closed rooms/properties cannot prove that the rooms/properties are vacant and the tenants have surrendered their tenancy rights in favour of the petitioner/landlord.

22) Secondly, with respect to property bearing no. (1)7055, Gali Tanki Wali, Ghas Mandi, Pahari Dhiraj, Delhi – 110006, (2) 4582, Gali Nathan Singh, Pahari Dhiraj, Delhi - 110006, (3) 4577, Gali Nathan Singh, Pahari Dhiraj, Delhi 110006, (4) 4583, Gali Nathan Singh, Pahari Dhiraj, Delhi-10006 and (5) 30593, Qadam Sharil, Motia Khan, Delhi, petitioner has categorically averred that property bearing no. 4582,4577 the said properties are yet to be divided among the legal heirs, property bearing no. 30593 is divided between legal heirs and same is occupied by different tenants. It is further averred that the petitioner has only a share in property bearing No. 7055 and the same is in occupation of tenants. The petitioner has further stated that she has no concern or right in property bearing no. 4583 and Sh. Vijender Pal Singh is the owner of the property. Though the respondent has contended that petitioner has not filed any document to show the same, it is trite to state that onus is upon the respondent to show on prima facie basis that the said properties do not belong to the petitioner or are under the occupation and possession and not for the petitioner to prove the negative assertion. Additionally, it is contended that the petitioner has not disclosed where her children are presently residing and therefore, it is a case of additional accommodation. However, the said plea is also a bald averment only. it is trite to state that the burden is upon the tenant to show that other alternative suitable accommodation is available with landlord and how the said premises were suitable for the pleaded requirement.

23) Furthermore, it is no longer res integra that tenant cannot dictate to the landlord as to where he/she should reside or that the landlord could have adjusted in some other premises. Bald averment has been made on the part of the respondent without placing any material on record. There, Also find it pertinent to refer to the decision of the Hon'ble High Court passed in the case of **Mohd. Naseer Vs. Mohd. Zaheer and Anr. RC Rev. No. 267/2016 dated 03.11.2016** is to be noted in which the following was held: -

"19. ...Mere raising of baseless contentions against the landlord cannot be a ground for being granted leave to defend to the petitioners. It cannot be said that the



petitioners have given facts or particulars which require to be established by way of evidence. The petitioners have merely made allegations for the sake of making allegation. There is no merit in the said plea of the petitioner.

20. The trial court has rightly concluded that the petitioners have failed to place on record any material to raise a suspicion that the respondents are having a vacant space on the ground floor of the suit property which can be used by them to open his workshop for industrial tools."

24) Therefore, even if the landlord has other premises available to him, if the landlord intends to lease the premises in occupation of the tenant for bona fide need, the Court cannot intervene in the same. Even in the case of **K.K. Sarin Vs. M/s Pigott Chapman & Co. 46(1992) DIT 352**, the Hon'ble Delhi High Court held that the tenant has to produce material on which he is relying upon. Thus, it is not for the tenant who can dictate the terms to the landlord and advise him what he should do and what he should not. It is always the privilege of the landlord to choose the nature and place of his residence.

25) Hence, I find that the respondents have failed to raise any triable issue on the aspect of alternative accommodation as well.

(emphasis supplied)

14. A perusal of the aforesaid findings would reveal that the two grounds which constitute the challenge in the present Petition have been considered by the learned ARC in detail.

15. Insofar as the objection with regard to the jurisdiction of the learned ARC on account of the subject property allegedly falling within a slum area is concerned, the learned ARC has specifically considered the contention regarding the requirement of obtaining permission from the Competent Authority under the **Slum Areas (Improvement and Clearance) Act, 1956**¹¹ and, after considering the Judgment of the Hon'ble Supreme Court in **Shafait Ali v. Shiva Mal (Dead) by LRs.**¹², as also the decision in **Ravi Dutt Sharma v. Rattan**

¹¹ Slum Areas Act

¹² AIR 1988 SC 214



Lal Bhargava¹³, has held that no such permission was required before institution of an eviction petition under Section 14(1)(e) of the DRC Act.

16. The aforesaid conclusion is based upon the legal position considered by the learned ARC and no material has been placed before this Court which would demonstrate that the said finding suffers from any error apparent on the face of the record or any jurisdictional infirmity.

17. The mere assertion that the subject property is situated in a slum area, without anything further to demonstrate that the bar contemplated under the Slum Areas Act would operate notwithstanding the special procedure contained in Chapter III-A of the DRC Act, cannot by itself constitute a ground for interference in the present proceedings.

18. With regard to the contention of alternate accommodation, the learned ARC has, correctly noticed that the mere availability of another property would not, by itself, defeat a claim under Section 14(1)(e) of the DRC Act and that the accommodation alleged to be available must also be shown to be reasonably suitable for the requirement pleaded by the landlord. Thereafter, the learned ARC examined the specific properties relied upon by the Petitioner and the corresponding explanation furnished by the Respondent with respect to the possession, tenancy, ownership and availability of each such property.

19. In respect of the alleged availability of other rooms in the subject property itself, the learned ARC has noticed that the Respondent had specifically disclosed the persons stated to be

¹³ AIR 1984 SC 967



occupying the different portions of the property, including the rooms on the ground, first, second and third floors.

20. It has been further noticed that the Petitioner had not placed any material to substantiate that the said rooms were, in fact, lying vacant and available for use by the Respondent. The photographs relied upon by the Petitioner were also considered and were found insufficient to establish that the occupants had surrendered their tenancy rights or that the rooms were available for the Respondent's use.

21. The same approach has been adopted with respect to the other properties relied upon by the Petitioner wherein the learned ARC has taken note of the specific stand of the Respondent regarding the status of each of the properties, including the fact that certain properties were yet to be divided amongst the legal heirs, certain portions were occupied by tenants, that the Respondent had only a share in one of the properties and that she had no right or concern in another.

22. The learned ARC has, therefore, found that the Petitioner had not placed material even on a *prima facie* basis to establish that these properties were available to the Respondent and, more importantly, that they were reasonably suitable for the requirement pleaded in the Eviction Petition.

23. Further, the contention that the Respondent's requirement was merely one of additional accommodation has also been noticed and dealt with, whereby it has been found that the same was advanced only as a bald assertion, without particulars or supporting material demonstrating the existence of an alternative accommodation which was available to the Respondent and suitable for the requirement pleaded. The burden at the stage of seeking leave to defend was,



therefore, not discharged by the Petitioner merely by referring to other properties without establishing their availability and suitability.

24. This Court, considering the aforesaid deliberation provided by the learned ARC, finds no merit in the present challenge to the Impugned Order. The findings returned by the learned ARC are not founded merely upon a general proposition that a tenant cannot dictate the choice of the landlord, but follow a consideration of the specific properties and the material placed before the Court.

25. The learned ARC has scrupulously examined whether the properties relied upon by the Petitioner were actually available to the Respondent and whether any material existed to demonstrate their suitability for the requirement pleaded. Having found no such material, the conclusion that no triable issue arose on the aspect of alternate accommodation cannot be said to be either perverse or unreasonable.

26. It is also relevant to note that the Petitioner has not pointed out any particular material which was placed before the learned ARC that was ignored or left unconsidered. The challenge herein, in essence, seeks a re-appreciation of the same material and a different conclusion on the question of availability and suitability of the alleged alternate accommodation. Such an exercise is clearly beyond the limited revisional jurisdiction vested in this Court under the proviso to Section 25-B(8) of the DRC Act.

27. In view of the aforesaid discussion, this Court finds that the learned ARC has duly considered both the grounds which constitute the challenge in the present Petition and has returned findings thereon which are supported by the material and the legal position considered by it.



28. Therefore, no jurisdictional error, manifest illegality, material irregularity or perversity has been demonstrated so as to warrant interference in the exercise of the revisional jurisdiction of this Court.

29. Consequently, the present Petition, being devoid of any merit, stands dismissed.

30. The present Petition, along with pending Application(s), if any, stands disposed of in the above terms.

HARISH VAIDYANATHAN SHANKAR, J.
AUGUST 19, 2026/tk/jk

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