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

+ **W.P.(C) 849/2018**

RAMESH CHAND SON OF LATE NATHU

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..... Petitioner

Through: Mr. Chiranjeev Sugandh, Advocate
Mr. S.C. Sagar with Mr. Pradeep
Sehrawat, Advocates

versus

**DELHI URBAN SHELTER IMPROVEMENT
BOARD**

..... Respondent

Through: Ms. Mini Pushkarna, St. Counsel
with Ms. Vasundhara Nayyar,
Advocates

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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30.01.2018

- 1) This is a writ petition filed to assail the order passed by the competent authority (Delhi Urban Shelter Improvement Board, Govt. Of National Capital Territory of Delhi) dated 11.7.2017. Respondent No. 1, evidently has filed an application under Section 19 (1) (a) of The Slum Areas (Improvement & Clearance) Act, 1956 (in short "Slum Act") to seek permission to initiate eviction proceedings against the writ petitioner/original respondent in respect of the entire first floor of property No. 301, General Market, Opposite Khanna cinema, Paharganj, New Delhi-55.
- 2) Via the impugned order the competent authority has allowed the application.
- 3) The counsel for the writ petitioner/original respondent assails the order of the competent authority on the sole ground that

he is the owner of the property and that this fact has been disregarded by the competent authority. This argument has been advanced by the learned counsel for the writ petitioner/ original respondent based on the assertion that he has been in occupation of the subject property for several decades.

4) Unfortunately, as noted by the competent authority no documents regarding the ownership of the subject property were produced by the writ petitioner/original respondent before the competent authority. On being queried, learned counsel for the writ petitioner says that electricity bills were produced before the competent authority. Apart from the fact that there is no discussion with regard to this aspect in the impugned judgment, no document has been placed on record, concededly, even before this Court.

5) This aspect of the matter has been duly noted by the competent authority in the impugned judgment. The relevant observations made in this behalf are extracted here after:

“The respondent has claimed himself to be the owner of the first and second floor of the property but has not produced any document showing him as owner. On the other hand, the applicant has placed on record copy of the agreement to sale and GPA made in his favour by the previous owner which shows that he has right and title in the property. The applicant has also placed on record the proceedings of the civil suit and the documents produced there, showing that the respondent has applied for electricity connection by giving affidavit that he is a tenant in the tenanted premises/property. The applicant has also placed on record, the copy of rent receipt showing respondent as a tenant on the first floor of the property. The respondent has contended that in the civil court proceedings between the parties, the appropriate court has given observations regarding the title. From the orders placed on record, it is clear that in none of the court proceedings at any stage, title of the suit property had been decided.”

(emphasis is mine)

6) Having regard to the aforesaid, I am of the view that no interference is called for with the impugned judgment. The writ petition is without merit. It is, accordingly, dismissed. No costs

RAJIV SHAKDHER, J

JANUARY 30, 2018/Nk