

\$~79

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 12569/2018**

SACHIN KUMAR

..... Petitioner

Through: Mr Ashish Sehrawat, Mr Kapil
Yadav, Advocates.

versus

COMPETENT AUTHORITY SLUM & ANR..... Respondents

Through: Mr Parvinder Chauhan, Standing
Counsel with Mr Nitin Jain, Advocate
for R1.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

26.11.2018

1. The petitioner has filed the present petition impugning orders dated 08.10.2018 and 22.10.2018 passed by the competent authority under the Slum Areas (Improvement and Clearance) Act, 1956 (hereafter 'the Slum Act').
2. By the order dated 08.10.2018, the competent authority has rejected the petitioner's application for being impleaded in the proceedings instituted by respondent no.2 under Section 19 of the Slum Act. By the order dated 22.10.2018, the competent authority has allowed respondent no.2's application for instituting eviction proceedings against the respondents therein (Parminder Singh and Amarjeet Singh). Respondent no. 2 claims that the said persons are the tenants in the premises described as Shop on the Ground Floor bearing No. 911, Star Building, Qutub Road, Sadar Bazar, Delhi-110006 (hereafter 'the premises in question').
3. Respondent no.2 had filed an application under Section 19 of the

Slum Act seeking permission from the competent authority to institute a suit to evict the tenants (Parminder Singh and Amarjeet Singh) from the premises in question. The petitioner was not a party to the said proceedings.

4. The petitioner claims that respondent no.2 had agreed to induct him in the premises in question for a total consideration (*pagdi*) of ₹26,00,000/-. In addition, it was also agreed that the petitioner would pay a monthly amount of ₹100/-. The petitioner claims that that out of the aforesaid amount, he paid a sum of ₹13,00,000/- and was inducted into the premises in question. The petitioner further claims that he has been regularly paying monthly amount of ₹100/- as well.

5. The petitioner has not produced any document or material that would substantiate his claim of having paid a sum of ₹13,00,000/- or a monthly amount of ₹100/- as claimed. *Prima facie*, it is difficult for this Court to accept that the petitioner is a tenant of the premises in question.

6. In the aforesaid context, the competent authority had observed that the provisions of Section 19 of the Slum Act only relate to seeking permission to initiate proceedings for eviction of a tenant. The petitioner could not set up a case of tenancy but has set up a case of being an occupier and, therefore, the competent authority rejected the petitioner's application for being impleaded in the proceedings relating to the application filed by respondent no.2 under Section 19 of the Slum Act. This Court does not find any infirmity with the aforesaid decision.

7. The competent authority is not required to adjudicate the *inter se* rights between the landlords and tenants or rights claimed by any other

person in respect of the property located in a slum area. The principal object of Section 19 of the Slum Act is to ensure that the tenants occupying properties in slum areas, who have no means for securing alternate accommodation, are not evicted. The rationale being that such tenants, if evicted, would add to the slums for want of means for securing alternate accommodation.

8. In the present case, the petitioner is, admittedly, a person of means. This is established by the petitioner's claim of having paid ₹13,00,000/- as *pagdi* for occupying the premises in question. In view of this admission, even if it is accepted that the petitioner was required to be impleaded in the proceedings initiated by respondent no.2 – which this Court does not accept – the petitioner can have no ground to resist respondent no.2's application under Section 19 of the Slum Act.

9. The remedy under Article 226 of the Constitution of India is a discretionary remedy and in the given facts, this Court is not persuaded to accept that any exercise of discretion in favour of the petitioner is warranted. The petition is, accordingly, dismissed.

10. It is clarified that nothing stated in this order should be construed as an expression of opinion on the merits of the petitioner's claim in respect of the property in question. The petitioner is also not precluded from instituting any appropriate action, if so advised.

VIBHU BAKHRU, J

NOVEMBER 26, 2018RK