

\$~26

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 1201/2019**

JAGDISH PRASAD & ANR

..... Petitioners

Through: Mr Abhishek Shama and Mr Ajay
Singh Tomar, Advocates.

versus

COMPETENT AUTHORITY & ANR

..... Respondents

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

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

06.02.2019

CM Nos.5438/2019 & 5439/2019

1. Allowed, subject to all just exceptions.

W.P.(C) 1201/2019 & CM Nos. 5437/2019 & 5440/2019

2. The petitioners have filed the present petition impugning an interim order dated 17.12.2018 passed by the Competent Authority under the Slum Area (Improvement & Clearance) Act, 1956. By the impugned order, the petitioners' application for impleadment of one Mr P. K. Gupta as a necessary party has been rejected.

3. According to the petitioners, Shri P. K. Gupta is a co-owner of the premises being Shop No. 1026 Maliwara, Delhi – 6 (hereafter 'the property') and the petitioners were paying rent to the said person. They claim that respondent no.2 (Mr Sanjeev Jain) had got a Sale Deed executed by one of the co-owners of the property. He filed an application before the Competent Authority seeking permission to institute proceedings to evict the petitioners. He alleged that the petitioners had failed to pay rentals for

occupation of the property. The petitioners claim that they are not in default of payment of rent and they are regularly paying the same to Mr P. K. Gupta and, therefore, respondent no.2 could have no grievance against the petitioner.

4. It is also apparent from the above that the controversy sought to be raised by impleading Mr P. K. Gupta, since it relates to the status of respondent no.2 as the owner of the property and his entitlement to receive rent as such. Clearly, the said controversy is not within the scope of the proceedings instituted before the Competent Authority. The issue whether the petitioners have defaulted in payment of rent would necessarily have to be established by respondent no. 2 (Mr Sanjeev Jain) in appropriate proceedings. The scope of the proceedings under Section 19 of the Slum Area (Improvement & Clearance) Act, 1956 is restricted to examining the factors as are set out in Section 19(4) of the said Act.

5. It is seen that the Competent Authority had also rejected the petitioner's application by holding that the proceedings under the Slum Area (Improvement & Clearance) Act, 1956 are summary in nature and that the Competent Authority had already heard the final arguments on behalf of the applicant and, therefore, allowing the petitioner's application would necessarily delay the matter.

6. This Court finds no infirmity with the aforesaid order. The petition is, accordingly, dismissed. The pending applications are disposed of.

VIBHU BAKHRU, J

FEBRUARY 06, 2019

MK