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

+ **W.P.(C) 2644/2019 & CM No.12244-12245/2019**

SHRI RAMESH CHAND

..... Petitioner

Through: Mr K. K. Srivastava, Advocate.

versus

SHRI PRAHLAD DASS MITTAL AND ORS..... Respondents

Through

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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15.03.2019

VIBHU BAKHRU, J

1. The petitioner has filed the present petition impugning an order dated 20.9.2018 passed by the Competent Authority (DUSIB) under Section 19 of the Slum Area (Improvement and Clearance) Act, 1956 (hereafter 'the Act'). The petitioner has assailed the impugned order on the ground that the application filed by respondent no.1 before the Competent Authority was not maintainable, inasmuch as he had preferred a consolidated application in respect of three separate premises and three separate tenancies. The petitioner contends that a consolidated application under Section 19 of the Act is not maintainable.

2. The Competent Authority had considered the aforesaid contention and noted that although there are three different shops, it was not disputed that they are part of the same premises. It also noted

that the question of law and fact were common. There is not dispute that the petitioner claims to be tenant in all the three premises, which according to the petitioner are separate but adjacent to each other. Respondent no.1, on the other hand, contends that the three premises are connected.

3. Notwithstanding the aforesaid controversy, this Court finds no infirmity with the impugned order since it is not disputed that common questions of law and fact are involved in respect of the tenancy(ies). More importantly, the scope of examination under Section 19 of the Act is limited to examine the application in the content of the factors that are set out in Section 19(4) of the Act. Sub Section (4) of Section 19 of the Act is set out below:-

“19. Proceedings for eviction of tenants not to be taken without permission of the competent authority.—

XXXX XXXX XXXX XXXX

(4) In granting or refusing to grant the permission under sub-section (3), the competent authority shall take into account the following factors, namely:—

- (a) whether alternative accommodation within the means of the tenant would be available to him if he were evicted;
- (b) whether the eviction is in the interest of improvement and clearance of the slum areas;
- (c) such other factors, if any, as may be prescribed.

4. In the present case, the Competent Authority had concluded that the petitioner has the means to arrange for alternative accommodation if evicted. The learned counsel appearing for the petitioner does not

dispute the aforesaid. Having arrived at the aforesaid conclusion, the Competent Authority has permitted respondent no.1 to institute appropriate proceedings for eviction of the petitioner from the said premises. This Court finds no infirmity with the aforesaid view, as the Competent Authority has examined the factors necessary for considering an application under Section 19 of the Act.

5. The petition is unmerited and is, accordingly, dismissed. All pending applications are disposed of.

MARCH 15, 2019
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VIBHU BAKHRU, J

