SHAFAIT ALI THROUGH SUPREME COURT LEGAL AID COMMITTEE

v.

SHIVA MAL (DEAD) BY LRS.

JULY 31, 1987

[SABYASACHI MUKHARJI AND G.L. OZA, JJ.]

Delhi Rent Control Act, 1958—ss. 14(1)(e), 14A, 25A, 25B and 25C—Whether special provisions—ss. 14(1)(e) and 14A—Whether any difference between them either on principle or in law—Proceedings under ss. 14(1)(e) and 14A—Whether Slum Areas (Improvement and Clearance) Act, 1956 applicable—Whether permission of Competent Authority unders s. 19(1)(a) necessary before instituting suit for eviction.

The Appellant was ordered to be evicted under s. 14(1)(e) of the Delhi Rent Control Act, 1958 on the ground of *bona fide* requirement of the landlord.

Dismissing the Appeal, to this Court,

HELD: 1. Sections 14A, 14(e), 25A, 25B and 25C of the Delhi Rent Control Act, 1958, are special provisions so far as the landlord and tenant are concerned and further in view of the non-obstante clause in the section these provisions over-ride the existing law so far as the new procedure is concerned. Therefore, the Slum Areas (Improvement and Clearance) Act, 1956, would have no application in cases covered by ss. 14A and 14(1)(e) of the Rent Act especially in view of the provisions which were added by the Amending Act of 1976. [690D-F]

2. There is no difference either on principle or in law between s. 14(1)(e) and 14A of the Rent Act even though these two provisions relate to eviction of tenants under different situations. [690F]

3. In view of the procedure in Chapter III-A of the Rent Act, the Slum Act is rendered inapplicable to the extent of inconsistency and it is not necessary for the landlord to obtain permission of the Competent Authority under s. 19(1)(a) of the Slum Act before instituting a suit for eviction and coming within s. 14(1)(e) or 14A of the Rent Act. [690G-H]

CIVIL APPELLATE JURISIDICTION: Civil Appeal No. 2047 of 1982.

A From the Judgment and Order dated 16.3.1982 of the Delhi High Court in Civil Rev. No. 147 of 1982.

W.A. Quadri and Kailash Mehta for the Appellant.

B M.C. Dhingra for the Respondents.

The Judgment of the Court was delivered by

SABYASACHI MUKHARJI, J. This is an appeal by special leave against the judgment and order dated the 16th March, 1982 of the High Court of Delhi in Civil Revision No. 147 of 1982 directing C eviction of the premises in question under Section 14(1)(e) of the Delhi Rent Control Act on the ground of bonafide requirement of the landlord. The special leave was sought for and obtained from this Court on the ground that Civil Appeal No. 1051/81 and special leave petition (civil) No. 2290/82 were pending at that time. It appears that D the said appeal has been disposed of by this Court in *Ravi Dutt Sharma* v. *Ratan Lal Bhargava*, [1984] 2 S.C.R. 614 where this Court held that Sections 14A, 14(e), 25A, 25B and 25C of the Delhi Rent Control Act are special provisions so far as the landlord and tenant are concerned and further in view of the non-obstante clause in the section these provisions override the existing law so far as the new procedure is E concerned. In that view of the matter we are of the opinion that the Slum Areas (Improvement and Clearance) Act, 1956 would have no application in cases covered by Sections 14A and 14(1)(e) of the Delhi Rent Control Act especially in view of the provisions which were added by the Amending Act of 1976.

F This Court held that there is no difference either on principle or in law between section 14(1)(e) and 14A of the Rent Act even though these two provisions relate to eviction of tenants under different situations.

This Court further held that in view of the procedure in Chapter G 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 under Section 19(1)(a) of the Slum Act before instituting a suit for eviction and coming within Section 14(1)(e) or 14A of the Rent Act. In the premises the appeal fails and is dismissed. There will be no order as to H costs.

The decree for eviction shall not be executed before 30.11.87 provided the appellant files an undertaking in the usual form within four weeks from today. A

A.P.J. Appeal dismissed.

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