

Emc Steel Limited, Calcutta vs Union Of India And Anr on 13 February, 1991

Equivalent citations: 1991 SCR (1) 381, 1991 SCC (2) 101, 1991 AIR SCW 481, 1991 (2) SCC 101, (1991) 20 DRJ 312, 1991 HRR 138, (1991) IJR 99 (SC), 1991 UJ(SC) 1 596, (1991) 1 SCR 381 (SC), (1991) 1 CURLJ(CCR) 468, (1991) 43 DLT 456, (1991) 1 RENCRA 407, 1991 ALL CJ 1 341, (1991) 1 ALL RENTCAS 348, (1991) 1 JT 447 (SC)

Author: P.B. Sawant

Bench: P.B. Sawant, K.J. Shetty, L.M. Sharma

PETITIONER:

EMC STEEL LIMITED, CALCUTTA

Vs.

RESPONDENT:

UNION OF INDIA AND ANR.

DATE OF JUDGMENT 13/02/1991

BENCH:

SAWANT, P.B.

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SAWANT, P.B.

SHETTY, K.J. (J)

SHARMA, L.M. (J)

CITATION:

1991 SCR (1) 381

1991 SCC (2) 101

JT 1991 (1) 447

1991 SCALE (1) 206

ACT:

Delhi Rent Control Act, 1958: Section 14D-Landlady-A widow's right to seek eviction of tenant for own residence.

HEADNOTE:

This appeal has been filed against the judgment of the Delhi High Court whereby the High Court gave the widow-landlady the benefit of section 14-D of the Delhi Rent Control Act, 1958 and accordingly granted her the Possession of the premises in question.

Before this Court it was inter alia contended on behalf

of the appellant that the relief under section 14-D was available only to a landlady who had become a Widow after the premises were let out either by herself or her husband. it was further contended that if the benefit given by section 14-D was allowed to be availed by all widows, they may make a business of it.

Dismissing the appeal, this Court,

HELD: (1) The legislature wanted to give a special privilege to the landlady who is a widow notwithstanding whether the Premises were let out before or after she became widow. Such conferment of special benefit on a widow landlady is permissible even under the provisions of Article 15(3) of the Constitution which is an express exception to the provisions of sub-clauses (1) and (2) of that Article. A widow is undoubtedly a vulnerable person in our society and requires special protection. [383H-384B]

(2) Section 14-D can be availed of by the widow only once. That is a sufficient guarantee against the abuse of the privilege granted by the section. Secondly, she has to prove her bona fide need for the occupation of the Premises in question for her own residence like any other landlord. Thirdly, the provisions of section 19 of the Delhi Rent Control Act come to play in her case also, when the order for possession on the ground of bona fide requirement for occupation as residence is made in her favour. [384C]

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JUDGMENT:

Dr. P. P. Kapur v. Union of India & Ors. Delhi High Court, Civil Writ No. 2686 of 1989 overruled.

CIVIL APPELLATE JURISDICTION: Civil Appeal No. 710 of 1991.

From the Judgment and Order dated 8.5.1990 of the Delhi High Court in Civil Writ No. 3257 of 1989.

G.L. Sanghi, Harish N. Salve, H.K. Puri, Rajeev Sharma, Ravinder Nath, V.B. Saharya, P.K. Jain and Prem Malhotra for the Appellants.

Y.S. Chitale, T.S. Krishnamurthy Iyer, R.L. Jain, S.K. Tredal, Kitty Kumarmanglam, R.P. Dave and Ashok Mathur for the Respondents.

The Judgment of the Court was delivered by SAWANT, J. SLP (C) No. 12 1 11 of 1990.

Leave granted.

2. This appeal raises the question of the validity and interpretation of Section 14-D of the Delhi Rent Control Act, 1958 (hereinafter referred to as the "Act"). In companion matters, we have already pronounced upon the validity and interpretation of Section 14-B of the Act. Hence, it is not necessary to discuss in this judgment the points which are common to both sections. These points will be deemed to have been concluded by the said decision.

3. The only point which remains to be dealt with and is peculiar to Section 14-D is whether to claim possession of such premises under the said Section, the landlady must become a widow after the premises are let out either by herself or her husband.

4. Section 14-D of the Act reads as follows:

"14-D. Right to recover immediate possession of premises to accrue to a widow-(1) Where the landlord is a widow and the premises let out by her (2) or by her husband, are required by her for her own residence, she may apply to the Controller for recovering the immediate possession of such premises.

(2) Where the landlord referred to in sub-section (1) has let out more than one premises, it shall be open to her to make an application under that sub-section in respect of any one of the premises chosen by her.

5. The object of the Act, as stated in its preamble, is to provide for the control of rents and evictions, and of rates of hotels and lodging houses, and for the lease of vacant premises to Government, in certain areas in the Union Territory of Delhi. The original Act came into force on February 9, 1959 having received the assent of the President on December 31, 1958. The working of the Act disclosed certain deficiencies, inconveniences and hardships both to the landlords and the tenants. Their associations, therefore, made representations. Various committees and commissions also recommended amendments of certain provisions of the Act. Considering the grievances of the landlords and the tenants as well as the recommendations of the committees/commissions, the Act was amended in 1988 with the object of (a) rationalising the law by bringing out the balance between the interests of landlords and tenants, (b) giving a boost to house building activity and maintaining the existing housing stock in a reasonable state of repairs, (c) reducing litigation between landlords and tenants and of ensuring expeditious disposal of disputes between them. By this amendment Sections 14-B to 14-D were added. The object of Section 14-D is obvious. It is to assist a vulnerable and needy section of the Society to recover possession of the premises as expeditiously as Possible and without the usual trials and tribulations.

6. We have already held in the accompanying judgment that classified landlords such as the widow landlady under Section 14-D can apply for possession of the premises under the respective provisions even if the premises are not let for residence. It is not necessary to repeat the said discussion in this judgment. Section 14-D makes no distinction between the landladies who become widows before and after letting out of the premises. It merely says that where the landlady is a widow and the premises are let out by her or by her- husband, are required by her for her own residence, she may apply to the Controller for recovering the immediate possession of such

premises. The language of the section in that respect is very clear. The premises might have been let out by her as a widow or they might have been let out by her husband or even by herself before she had become widow. The legislature wanted to give a special privilege to the landlady who is a widow notwithstanding whether the premises were let out before or after she became widow. Such conferment of special benefit on a widow-landlady is permissible even under the provisions of Article 15(3) of the Constitution which is an express exception to the provisions of sub-clauses (1) and (2) of that Article. It states that nothing in the said Article shall prevent the State from making any special provision for women and children. A widow is undoubtedly a vulnerable person in our society and requires special protection. We further see no merit in the contention that if the benefit given by Section 14-D is allowed to be availed of by widows, they may make a business of it. There is no warrant for such apprehension. For, in the first instance, the right to recover possession under Section 14-D can be availed of by the widow only once. That is a sufficient guarantee against the abuse of the privilege granted by the section. Secondly, she has to prove her bona fide need for the occupation of the premises in question for her own residence like any other landlord. Thirdly, the provisions of Section 19 of the Act come into play in her case also, when the order for possession on the ground of bona fide requirement for occupation as residence is made in her favour.

In this view of the matter, we find no substance in this appeal and the same is dismissed with no order as to costs.

7. In the view that we have taken above, it is not necessary to admit this writ petition. The authorities under the Act while disposing of the applications under Section 14-D will have to abide by this decision and not by the decision of the Delhi High Court in Civil Writ No. 2686 of 1989 in the matter of Dr. P.P. Kapur v. Union of India & Ors. which was brought to our notice and stands overruled.

R.S.S.

Appeal dismissed.