

LL. B. V Term

Paper – LB - 5033 - Rent Control and Slum Clearance

Prescribed Legislations:

1. The Delhi Rent Control Act, 1958
2. The Slum Areas (Improvement and Clearance) Act, 1956
3. The Delhi Rent Control Act, 1995
4. The Transfer of Property Act, 1882
5. The Indian Easements Act, 1882

Prescribed Books:

1. G.C. Bharuka (Rev.), **Mulla's *The Transfer of Property Act, 1882*** (10th ed., 2006)
2. Jaspal Singh, ***Delhi Rent Control Act*** (6th ed., 2007)
3. Rameshwar Dial and Adarsh, ***Law of Rent Control in Delhi*** (2nd ed., 2005)

PART - I

General

Lease, License – Meaning; Distinction between Lease and License; Relevance of the distinction to the provisions of the Delhi Rent Control Act, 1958.

Tenancy by holding over, Notice for termination of tenancy under Transfer of Property Act, 1882

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| 1. | <i>Associated Hotels v. R.N. Kapoor</i> , AIR 1959 SC 1262 | 1 |
| 2. | <i>M.N. Chubwala v. Fida Hussain Saheb</i> (1964) 6 SCR 642, 651 | 7 |
| 3. | <i>C.M. Beena v. P.N. Ramachandra Rao</i> , AIR 2004 SC 2103 | 13 |
| 4. | <i>Bhawanji Lakhmshi v. Himat Lal Jamnadas Dani</i> ,
AIR 1972 SC 819 | 18 |
| 5. | <i>V. Dhanpal Chettiar v. Yesodai Ammal</i> (1979) 4 SCC 214 | 24 |

PART - II

The Delhi Rent Control Act, 1958

(A) Definitions; Premises exempted from the applicability of Delhi Rent Control Act, 1958;
Meaning and scope of contractual and statutory tenancies

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|-----|---|----|
| 6. | Mohan Lal v. Shri Krishan, 1977 (2) RCJ 505 | |
| 7. | Anand Niwas (P) Ltd. v. Anandji Kalyanji Pedhi (1964) 4 SCR 892 | 36 |
| 8. | Jagdish Chander Chatterjee v. Kishan (1973) 1 SCR 850 | |
| 9. | Damadi Lal v. Paras Ram, AIR 1976 SC 2229 | |
| 10. | Gian Devi Anand v. Jeevan Kumar, AIR 1985 SC 796 | 41 |
| 11. | Atma Ram Properties (P) Ltd. v. Federal Motors (P) Ltd.
(2005) 1 SCC 705 | 62 |
| 12. | D.C. Bhatia v. Union of India (1995) 1 SCC 104 | |
| 13. | Atma Ram Properties (P) Ltd. v. P.S. Jain Co. Ltd., 57 (1995) DLT 131 | 69 |
| 14. | Sangat Singh v. Chaudhary P.N. Behl, AIR 1970 SC 812 | |

(B) Control of Rent; Meaning, Scope and Applicability of Standard Rent

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|-----|--|----|
| 15. | Balbir Singh v. M.C.D., AIR 1985 SC 339 | |
| 16. | Raghunandan Saran Ashok Saran (HUF) v. Union of India
95 (2002) DLT 508 | 72 |

PART - III

The Delhi Rent Control Act, 1958

(A) Grounds of eviction

Non - Payment of Rent / Arrears of Rent [Section 14 (1), Proviso, Clause (a)]

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|-----|--|----|
| 17. | Santosh Mehta v. Om Prakash (1980) 3 SCC 610 | |
| 18. | Hem Chand v. D.C.M. (1977) 3 SCC 483 | |
| 19. | Ram Murti v. Bholanath, AIR 1984 SC 1392 | 84 |
| 20. | Jagannath v. Ram Kishan Das, AIR 1985 SC 265 | 91 |
| 21. | Kamla Devi (Smt) v. Vasdev, AIR 1995 SC 985 | 96 |
| 22. | Jain Motor Car Co., Delhi v. Swayam Prabha Jain (Smt),
AIR 1996 SC 2951 | |

Sub- letting the rented premises [Section 14 (1), Proviso, Clause (b)]

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|-----|---|-----|
| 23. | G.K. Bhatnagar v. Abdul Alim (2002) 9 SCC 516 | 102 |
| 24. | Mrs. Kapil Bhargava v. Subhash Chand Aggarwal, 93 (2001) DLT 65 | |
| 25. | South Asia Industries (P) Ltd. v. Sarup Singh, AIR 1965 SC 1442 | |

Impermissible use of the rented premises [Section 14 (1), Proviso, Clause (c)]

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|-----|---|-----|
| 26. | <i>Pushpa Devi v. Om Prakash</i> , 1979 Rajdhani LR 441 | |
| 27. | <i>Telu Ram v. Om Parkash Garg</i> , P & H 1971 RCJ 1 | |
| 28. | <i>Santram v. Rajinder Lal</i> , 1979 SC (1) RCJ 13 | 105 |

Non – occupation of rented premises by the tenant [Section 14 (1), Proviso, Clause (d)]

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|-----|---|-----|
| 29. | <i>Baldev Sahai Bagla v. R.C. Bhasin</i> , AIR 1982 SC 1091 | 108 |
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Bona fide requirement of the rented premises by the landlord [Section 14 (1), Proviso, Clause (e) read with Section 25-B].

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| 30. | <i>Miss S. Sanyal v. Gian Chand</i> , AIR 1968 SC 438 | 114 |
| 31. | <i>Precision Steel and Engg. Works v. Prem Deva Niranjana Deva Tayal</i> ,
AIR 1982 SC 1518 | 117 |
| 32. | <i>V.S. Talwar v. Prem Chandra Sharma</i> , AIR 1984 SC 664 | 136 |
| 33. | <i>Ravi Dutt Sharma v. Ratan Lal Bhargava</i> , AIR 1984 SC 967 | 140 |
| 34. | <i>Satyawati Sharma v. Union of India</i> , 2008 (6) SCALE 325 | 145 |
| 35. | <i>V.K. Bhandari v. Sheikh Mohd. Yahya</i> 158 (2009) DLT 124 | 161 |
| 36. | <i>Shri Ramesh Ahuja v. Shri Ram Nath Jain</i> , 158 (2009) DLT 347 | 165 |

Tenant building own premises, acquiring vacant possession or allotment of a residence [Section 14 (1), Proviso, Clause (h) and clause (hh)]

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|-----|---|-----|
| 37. | <i>Ganpat Ram Sharma v. Gayatri Devi</i> , AIR 1987 SC 2016 | 168 |
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Use of rented premises in violation of conditions of lease stipulated by D.D.A./ M.C.D. [Section 14 (1), Proviso, Clause (k)]

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|-----|---|-----|
| 38. | <i>S. P. Arora v. Ajit Singh</i> , 1970 RCR 628 | 174 |
| 39. | <i>Faqir Chand v. Shri Ram Rattan Bhanot</i> , AIR 1973 SC 921 | 180 |
| 40. | <i>Dr. K. Madan v. Krishnawati (Smt)</i> , AIR 1997 SC 579 | 185 |
| 41. | <i>Shri Munshi Ram v. Union of India</i> , AIR 2000 SC 2623 | 191 |
| 42. | <i>M/s. Bharat Sales Ltd. v. Smt. Laxmi Devi</i> , AIR 2002 SC 2554 | |

(B) Recovery of possession in case of limited period tenancy [Section 21]

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| 43. | <i>Inder Mohan Lal v. Ramesh Khanna</i> , AIR 1987 SC 1986 | 195 |
| 44. | <i>Pukhraj Jain v. Padma Kashyap</i> , AIR 1990 SC 77 | 206 |
| 45. | <i>Shrisht Dhavan (Smt) v. M/s. Shaw Brothers</i> , AIR 1992 SC 1555 | |

(C) Remedy against cutting off or withholding essential supply or service [section 45]

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| 46. | <i>Smt. Veera Rai v. S.P. Sachdeva</i> , AIR 1985 Del. 300 | |
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PART – IV**The Slum Areas (Improvement and Clearance) Act, 1956**

Impact of the Act on D.R.C.A.; Proceedings for eviction of tenant and role of Competent Authority

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| 47. | <i>Jyoti Pershad v. The Administrator for the Union Territory of Delhi,</i> | |
| | AIR 1961 SC 1602 | |
| 48. | <i>C.R. Abrol v. Administrator under the Slum Areas (1970)</i> | |
| | RCJ 899 | 209 |
| 49. | <i>Lal Chand (Dead) by L.Rs. v. Radha Krishan,</i> | |
| | AIR 1977 SC 789 | 219 |
| 50. | <i>Punnu Ram v. Chiranji Lal Gupta (Dead) by L.Rs.,</i> | |
| | AIR 1999 SC 1094 | 226 |

IMPORTANT NOTE:

1. The cases/topics mentioned above are not exhaustive. The teachers teaching the course shall be at liberty to add new cases/topics.
2. The students are required to study the legislations as amended from time to time and consult the latest editions of books.
3. The question paper shall include one compulsory question. The question papers set for the examinations held during 2010-11 and 2011-12 are printed below for guidance of the students.

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LL.B. V Term Examinations, December, 2010

Note: Attempt *five* questions including Question No. 1 which is compulsory.
All questions carry *equal* marks.

1. Attempt briefly any *four* of the following:
 - (a) Easement is “right in rem” and licence is “right in personam”.
 - (b) Irrevocability of a licence.
 - (c) Premises which are exempted from applicability of Delhi Rent Control Act.
 - (d) Limited period tenancy.
 - (e) Distinguish between “sublet, assigned and parted with the possession”.
2. (a) Distinguish between lease and license. Why is this distinction important?
(b) Examine whether the following agreement creates a lease or license:

An agreement was entered between hotel X and art of living teacher Mr. Z on January, 2010, wherein Mr. Z was described as license and Mr. Z was to pay Rs. 9,600 as