
(2003) 09 DEL CK 0105
In the Delhi High Court
Case No : CW No. 2572 of 2002

Shri Suresh Kumar Poddar	Vs	APPELLANT
Smt. Lajjawati and Another		RESPONDENT

Date of Decision : 23-09-2003

Acts Referred:

Slum Areas (Improvement and Clearance) Act, 1956 — Section 19

Citation : (2003) 107 DLT 72

Hon'ble Judges : Badar Durrez Ahmed, J

Bench : Single Bench

Advocate : Lalit Gupta, for the Appellant; None, for the Respondent

Judgement

Badar Durrez Ahmed, J.—The petitioner is aggrieved by the order dated 21.02.2002 passed by the Competent Authority (Slum), Tis Hazari Court, Delhi, whereby his review petition was dismissed. The petitioner sought review of the order dated 03.03.1999 passed by the said competent authority, whereby the evidence and defense of the petitioner was struck-off in a petition (being petition no.8814/1996) filed by the respondent no.1, i.e., Smt Lajjawati u/s 19 of the Slum Areas (Improvement and Clearance) Act, 1956 seeking permission to evict the petitioner from the premises in question, i.e., House No.2637, Ram Gali, Teliwara, Delhi-110006, which admittedly falls in a notified slum area.

2. Notice had been issued in this writ petition as far back as on 24.04.2002. Despite service of notice, none of the respondents have chosen to remain present. In view of this position, all the statements made in the writ petition would have to be taken as correct and would have to be accepted. It is stated in the petition that after the filing of the aforesaid petition no.8814/1996, the petitioner was served on 12.01.1998 and, thereafter, the petitioner appeared through counsel before the Competent Authority. It is further stated that for 6 months, there was no presiding officer and only dates were given by the Reader. On or about 09.10.1998, the presiding officer resumed his duties and the date of 01.12.1998 was given for filing of written statement by the petitioner. On

01.12.1998, the case was adjourned to 01.02.1999, subject to costs. Thereafter, the matter was adjourned to 03.03.1999 for filing of the written statement, subject to further costs. The learned counsel for the petitioner has stated that the petitioner's native village is Fatehpur Shekhawati, District Sikar (Rajasthan) and he had to go there on 25/26.01.1999 because the father of the petitioner was sick and there was some disturbance in the family due to misunderstanding between his family members in December 1998. The petitioner further stated that due to all these reasons, the petitioner remained mentally disturbed between 25/26.01.1999 and 20.03.1998 and he was compelled to commute between Delhi and Fatehpur, Shekhawati for this purpose. It is under these circumstances that he was unable to contact his counsel and file written statement nor could he instruct the counsel to pay the costs. Since there is no appearance on behalf of the respondents and no counter-affidavit has been filed, all these statements have to be taken to be true and correct.

3. In this view of the matter, it appears that there was sufficient cause for not filing the written statement and paying costs before the Competent Authority. Learned counsel for the petitioner has stated that he is willing to deposit whatever cost has been imposed by the Competent Authority provided he is given a chance to file his written statement in the peculiar facts and circumstances of this case. The petitioner is permitted to file his written statement within a week from the date of this order before the Competent Authority, subject to payment of cost of Rs 500/-.

4. The writ petition is accordingly disposed of.

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