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

+ W.P.(C) 7845/2011

LAL SINGH

..... Petitioner

Through: Mr.Arun Bhardwaj & Mr.N.D. Kaushik,
Advocates.

versus

ESTATE OFFICER AND ANR.

..... Respondents

Through: Nemo.

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

04.11.2011

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CM No.17746/2011 & CM No.17747/2011 (both u/S 151 CPC)

Exemptions allowed subject to all just exceptions.

W.P.(C) No.7845/2011 & CM No.17745/2011 (u/S 151 CPC)

1. Impugned order of 10.10.2011 upholds the order of 5.8.2010, vide which petitioner has been ordered to be evicted by taking a recourse to Sub-Section 1 of Section 5 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971.

2. The Estate Officer had issued Notice under Section 4 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 to the petitioner to Show Cause as to why he should not be evicted from the residential accommodation provided to him by virtue of being in employment with M/s Hindustan Prefab Limited (a

W.P.(C) No.7845/2011

Page 1

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Government. of India Enterprises). Undisputedly, petitioner had proceeded on deputation to Delhi Agricultural Marketing Board (hereinafter referred to as 'DAMB') w.e.f. 24.1.2005 and he was ultimately absorbed as an employee of DAMB on 29.8.2008.

3. Although it was submitted by petitioner's counsel that lien of the petitioner in the premises in question was up to September, 2010 but there are no pleadings to this effect in the writ petition. Even if it was so, still the petitioner had no right to remain in the premises in question after September, 2010.

4. Since I do not find any error apparent in the impugned order of 10.10.2011, I am not impressed with the submission of learned counsel that the petitioner should be put back in the premises in question because number of other flats are lying vacant and there is no pressing urgency and so, the petitioner be permitted to remain in the premises in question till April, 2012.

5. Faced with this situation, learned counsel for the petitioner made a mercy plea by stating that during the academic mid-session of his children, the petitioner ought not to have been thrown out from the premises in question and this arbitrary action of the respondents immediately after passing of the impugned order is bad in law and so, the petitioner ought to be put back into the premises in question so that the education of petitioner's child is not disturbed.

6. Realising that this Court is not impressed by the submissions of petitioner's counsel, in the last, it was urged that

3

the belongings of the petitioner including the books of the children of the petitioner are lying in the premises in question, which has been sealed by the respondents and examination of petitioner's child is to take place today itself and so, the petitioner be permitted to take out the belongings of the petitioner which are lying in the premises in question.

7. Finding no merit in this petition, the same is dismissed in *limine* while permitting the petitioner to remove his belongings from the premises in question forthwith.

8. At the request of counsel for petitioner, copy of this order be given *dasti* under the signatures of the Court master.


SUNIL GAUR, J

NOVEMBER 04, 2011

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