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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 9384/2009

RADHEY SHAYAM AGGARWAL

..... Petitioner

Through

Mr. Abhishek Verma and Mr. Amit
Punj, Advocates

versus

MCD & ANR.

..... Respondents

Through

Mr.Parvinder Chauhan and Mr. Nitain
Jain, Advocate for MCD/R-1.
Mr.Anuj Aggarwal, ASC for
GNCTD/R-2.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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28.07.2016

C.M. No.25380/2015 (for restoration)

Counsel for the respondent points out that the petition can be disposed of in view of the order passed by this Court on 12.01.2010 which was a review petition. While noting the facts, the Bench of this Court had noted that the petitioner has filed a civil suit but being barred under section 15 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 it was dismissed. This was vide judgment dated 27.11.1993. This was up held by the Appellate Court. The Slum Department had made a submission that the petitioner's claim for allotment of an alternate plot has been considered and in fact decided to give him an alternate plot. This submission was recorded by the Appellate Court. On 24.02.2009 the petitioner was dispossessed from the first floor of the property. Accordingly, the present writ petition was filed.

The Slum Department of the MCD had filed a counter affidavit in this writ petition. Their stand that the Slum Department had issued eligibility letters for two flats in the name of Radhey Mohan Gupta and Smt. Sarla Devi, the brother and mother of the petitioner at Mata Sundari Road. Submission of the petitioner was recorded that inspite of these eligibility letters respondents have not allotted any flat. On 12.01.2010 the Bench of this Court had directed the petitioner to visit the office of the Director, Slum Department along with Raju Gupta who will examine the case of the petitioner for alternate plot, if required all formalities will be completed by the petitioner. A date of 18.01.2010 had in fact been fixed.

Counsel for the respondents points out that the petitioner had not appeared before the competent authority inspite of this direction. His further submission is that the order dated 12.01.2010 was the subject matter of the review petition which has been dismissed by this Court on 11.03.2011. Additional submission of counsel for the respondents is that in case the petitioner approaches the Slum Department of the MCD, his case will be considered in accordance with law. Needless to state that the policy of the Slum Department, MCD shall be adhered to.

No further orders are called for in this petition.

Petition is accordingly disposed of.

INDERMEET KAUR, J

JULY 28, 2016

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