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

+ LPA 73/2016 & C.M.No.4014/2016 (*stay*)

ADHIR RANJAN CHOWDHURY

..... Appellant

Through: Mr.Vivek Narayan Sharma, Adv. with
Mr.Shoaib Haidr, Mr.Sidharth Mahajan,
Ms.Priyanka Garg, Advs.

Versus

UNION OF INDIA

..... Respondent

Through: Mr.Sanjay Jain, ASG with Mr.Rajesh
Gogna, CGSC, Ms.Pallavi Shali, Ms.Bani Dikshit,
Advs.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

03.02.2016

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1. This appeal is preferred against the order of the learned Single Judge dated 01.02.2016 in C.M.No.3415/2016 in W.P.(C) No.8624/2015.
2. We have heard the learned counsel for the appellant and perused the material available on record. We have also heard the learned ASG appearing for the respondent.
3. W.P.(C) No.8624/2015 filed by the appellant herein with a prayer to direct the respondent not to evict him from Bungalow No.14, New Moti Bagh, New Delhi without complying due process of law and without allotting alternate accommodation of his entitlement was disposed of by order dated 03.11.2015 recording the fact that the respondent had offered Bungalow No.C-1/4, Humayun Road, New Delhi to the writ petitioner (appellant herein) and that he had accepted the same.

4. However, in January, 2016 the appellant/writ petitioner filed C.M.No.3415/2016 seeking stay of eviction from Bungalow No.14, New Moti Bagh, New Delhi for various reasons stated therein.
5. Having taken note of the fact that Bungalow No.C-1/4, Humayun Road, New Delhi has already been allotted to the appellant/writ petitioner and necessary refurbishing in accordance with law has also been done, the learned Single Judge declined to stay the eviction and accordingly dismissed C.M.No.3415/2016 by order dated 01.02.2016. The said order is assailed before us in the present appeal.
6. Admittedly, the order of the Estate Officer under the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 dated 14.11.2014 directing the appellant/writ petitioner to vacate Bungalow No.14, New Moti Bagh with immediate effect has become final.
7. The order dated 03.11.2015 in W.P.(C) No.8624/2015 was a consent order which was passed recording the fact that the appellant/writ petitioner has accepted the alternative accommodation offered to him.
8. The proceedings dated 20.11.2015 filed as Annexure-A-11 shows that such allotment has been made in favour of the appellant/writ petitioner.
9. In the circumstances, the learned Single Judge cannot be held to have committed any error in declining to stay the eviction of the appellant/writ petitioner from Bungalow No.14, New Moti Bagh. As rightly held by the learned Single Judge no case is made out to stay the eviction at this stage. The mere fact that the representation made by the appellant to the Chairman, House Committee is pending, according to us, is not a valid ground to grant stay of eviction.

10. Hence, the appeal is devoid of any merit and the same is accordingly dismissed.

Order dasti under the signature of the Court Master.

CHIEF JUSTICE

JAYANT NATH, J

FEBRUARY 03, 2016

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