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

+ CM(M) 621/2016 & CM Nos.23619/2016 & 25392/2016

VIRENDER SINGH Petitioner
Through Mr.Surinder Singh, Adv.
versus

THE ESTATE OFFICER AND ANR Respondent
Through Mr.Praveen Kumar Jain, Mr.Amit
Dogra and Mr.Harvesh Kumar, Adv.
Ms.Manika Tripathi Pandey, Adv. for GNCTD
with Mr.Ashutosh Kaushik, Adv. and Mr.Bhura
Singh, SI for R-2 & R-3

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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20.09.2016

1. Present petition is filed stating that the petitioner who is a retired civil servant was allotted a government residential accommodation during his tenure. He has retired since 31.5.2005. The Estate Officer has passed order against the petitioner. An appeal has been filed by the petitioner against the said order which is pending before the District Judge. The present petition is filed with the grievance that while the appeal is pending the District Judge has not granted stay from eviction of the property.
2. When the matter came up for hearing before this Court on 24.6.2016 this Court had noted the submission of learned counsel for the respondent that the present petition has become infructuous in view of the fact that action of dispossession is currently being undertaken. This submission had been refuted by the petitioner. A Local Commissioner was appointed to visit

the premises to determine as to whether the petitioner is still in physical occupation.

3. The Local Commissioner has filed her report where she has stated that the petitioner on that date was still in physical possession though officers and police officials were present who were forcibly evicting the goods of the petitioner from the premises.

4. Learned counsel appearing for the respondent submits that possession has been taken over and hence the present petition has now become infructuous.

5. Though an adjournment is sought on behalf of the petitioner on the ground that the counsel is not available, I do not see any reason to adjourn the matter. On the last date none was present for the petitioner. Today also in the morning a 'pass-over' was sought in a connected matter being Cont.Cas(C)947/2016 and it was urged on behalf of the petitioner that the Contempt Case be heard alongwith the present petition.

6. In view of the averment of learned counsel for the respondent that the respondents have already taken over possession of the premises the present petition has become infructuous. This is so as no interim order restraining the respondent from dispossessing the petitioner can be passed. Even otherwise, in light of the fact that the petitioner retired in 2005 there is no equity in favour of the petitioner to continue to retain his official accommodation. The present petition is without merits and is accordingly dismissed. All pending applications, if any, also stand dismissed.

JAYANT NATH, J

SEPTEMBER 20, 2016/n