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

+ **CM(M) 897/2016**

MADHYA PRADESH GOVERNMENT

FOREST TIMBER DEPOT THR INCHARGE Petitioner

Through **Ms.Swati B.Sharma & Mr.Naveen
Sharma, Advocates**

versus

GOTI RAM & ANR

..... Respondents

Through **None.**

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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09.09.2016

CM No.33070-72/2016 (*exemptions*)

Allowed subject to all just exceptions.

CM(M) No.897/2016 & CM No.897/2016 (*stay*)

1. By the present petition, the petitioner seeks to impugn the order dated 21.07.2016 by which the trial court allowed the application filed by the plaintiffs. The trial court granted liberty to respondent No.1 to apply for a fresh electricity connection in his name before the Power Distribution and Supply Authority.

2. The learned counsel appearing for the petitioner submits that the present suit has been filed for permanent injunction. Respondent No.1/plaintiff illegally and unauthorisedly continue to occupy a temporary shed which he had built and also moved his family into the same. She also submits that appropriate proceeding under the Public Premises

(Eviction of Unauthorised Occupants) Act, 1971 has been commenced against the said person.

3. A perusal of the impugned order shows that on 30.10.2013 an application was filed by respondent No.1/plaintiff under Order 39 Rule 1 and 2 and the same was allowed. The petitioners were restrained from dispossessing respondent No.1/plaintiff from the suit premises without due process of law. It was also noted that as per respondent No.1 after passing of the said interim order, the petitioner has disconnected the electricity supply from the suit premises in order to cause harassment to respondent No.1. The trial court also noted that Aadhar Card, Photographs of the suit premises and application for supply of cooking gas disclosed that the plaintiff/respondent No.1 is in possession of the suit premises. Various other documents are noted and hence the impugned order was passed.

4. The learned counsel for the petitioner submits that respondent No.1 is a trespasser and by grant of an electricity connection he would try to claim a vested right in the suit premises.

5. In my opinion, the contention of the petitioner is without any basis. The admitted position is that till the proceedings under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 are terminated and in view of the order passed by the trial court on 30.10.2013, respondent No.1 cannot be dispossessed from the property. As he is enjoying possession of the property, it would be incorrect and inappropriate to deprive him of an electricity connection as the suit premises cannot be put to any use in the absence of any electricity connection. It cannot be said that the trial court exercised its discretion with any irregularity.

6. There is no infirmity in the impugned order. However, it is clarified

that merely because respondent No.1/plaintiff gets an electricity connection from the electricity department in his personal name would not confer any right whatsoever on respondent No.1/plaintiff to claim any vested right or title to the suit premises. Subject to the above clarification, the present petition stands disposed of. All the pending applications stand disposed of.

JAYANT NATH, J.

SEPTEMBER 09, 2016/v