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

+ LPA 573/2016 & C.Ms.No.38867/2016 (*stay*), 38869/2016

DELHI SIKH GURUDWARA MANAGEMENT

COMMITTEE & ORS

..... Appellants

Through: Mr.Harshbir Singh Kohli, Adv. with
Mr.Tarun Arora, Adv.

Versus

HARINDER PAL SINGH & ORS

..... Respondents

Through: Mr.Nikhilesh Kumar, Adv. for R-1 to 88.
Mr.Sajeev Sabharwal, Adv. with Mr.Hem Kumar,
Advs. for DDA.

Mr.Sanjoy Ghose, ASC with Mr.Rishabh Jettley,
Adv. for R-90/GNCTD.

Mr.Anil Soni, Adv. for R-91/AICTE

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

% **21.10.2016**

C.M.No.38870/2016 (*exemptions*)

Allowed subject to all just exceptions.

C.M.No.38868/2016 (*delay in filing*)

Heard.

In view of the facts and circumstances explained in the application, the delay in filing the appeal is condoned and the application is disposed of.

LPA No.573/2016

1. The respondents No.1, 2 and 5 in W.P.(C) No.3027/2016 filed this appeal aggrieved by the following directions issued by the learned Single Judge while disposing of the writ petition by order dated 19.04.2016:-

"Consequently, respondent-DDA is directed to take steps to dispose of the application filed by respondent no.2 for running both respondent no.1 as well as respondent no.5 from Rajouri Garden premises within one week and if the said application is rejected, to cancel the lease of respondent no. 2 on account of allowing respondent no.5 to operate from Rajouri Garden land even though it had been specifically allocated for use of respondent no.1- Institute in 1997. Needless to say, DDA shall act in accordance with law.

It is, however, clarified that in the event respondent no. 2 shifts respondent no. 1-Institute forthwith, respondent no. 2 shall be at liberty to apply to AICTE for necessary approvals/recommendations.

With the aforesaid directions and clarification, present writ petition and applications stand disposed of."

2. It is brought to our notice by the learned counsel for DDA/respondent No.89 that the writ petitioners/respondents No.1 to 88 herein have also filed Contempt Case No.685/2016 and by order dated 29.09.2016, the learned Single Judge extended the time by a period of eight weeks for taking the decision in accordance with the order under appeal dated 19.04.2016.

3. Having heard the learned counsel for both the parties and having perused the material available on record, we consider it appropriate to clarify that the observations/findings in the order under appeal shall not be taken as conclusive and that the application of the appellant No.1 (respondent No.2 in the writ petition) for running both the institutes from Rajouri Garden premises shall be considered by DDA independently on merits. We also make it clear that in case any adverse order is passed by DDA, the appellant No.1 is at liberty to challenge the same by working out

the appropriate remedy as available under law. We also direct that no coercive steps be taken by AICTE without giving an opportunity of being heard to the appellants.

4. The order under appeal shall stand modified accordingly.
5. The appeal is accordingly disposed of leaving it open to DDA to pass an order on the application of the appellant No.1 within the time granted in Contempt Case No.685/2016.
6. Order dasti under the signature of the Court Master

CHIEF JUSTICE

SANGITA DHINGRA SEHGAL, J

OCTOBER 21, 2016
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