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

+ W.P.(C) 696/2016

RAM PRAKASH NARULA

..... Petitioner

Through :Counsel for the petitioner
(Attendance slip not given)

versus

SOUTH DELHI MUNICIPAL
CORPORATION AND ANR

..... Respondents

Through :Mr. Mukesh Gupta, Standing
Counsel

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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27.01.2016

CM Appl. No.2907/2016 (exemption)

Allowed, subject to all just exceptions.

Application is disposed of.

WP (C) No.696/2016, CM Appl. No.2905/2016 (stay) & 2906/2016 (Sec. 151 CPC)

Present writ petition is a gross abuse of process of law. Respondent no. 1 initiated eviction proceedings against the petitioner under the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 before the Estate Officer in respect of the property no. WZ-14, Raja Garden, Najafgarh Road, New Delhi ("suit property", for short). Respondent no. 1 claimed itself to be the owner of the suit property. Petitioner participated in the proceeding and

claimed himself to be tenant of erstwhile owner. However, subsequently, he stopped appearing and was proceeded ex parte.

Vide order dated 31st May, 1980, Estate Officer passed eviction orders and also imposed damages. Petitioner challenged the said order by filing an appeal before the Additional District Judge, Delhi which was allowed vide order dated 9th January, 1981. Respondent no. 1 filed CWP No. 1967/1981 against the order dated 9th January, 1981 of the Additional District Judge, Delhi. Writ petition was allowed by the learned Single Judge of this Court vide order dated 28th February, 2003 and eviction order of Estate Officer was restored. Petitioner preferred a Letters Patent Appeal no. 403/2003 before the Division Bench against the order of learned Single Judge. However, LPA was dismissed by the Division Bench vide order dated 28th May, 2003. Petitioner preferred a Special Leave Petition (C) No. 13136/2003 and the same was also dismissed on 4th August, 2003.

Petitioner has now been evicted from the premises. Annexure P-8 is complaint of petitioner which indicates that petitioner has been evicted by the respondent no.1. Petitioner seeks to re-agitate his claim on the suit property, which is not permissible, more so when in earlier proceedings he has been held to be an unauthorized occupant.

Writ petition is dismissed. Miscellaneous applications are disposed of
as infructuous.

A.K. PATHAK, J.

JANUARY 27, 2016
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