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

+ **W.P.(C) 4075/2016**

SIR SOBHA SINGH & SONS PVT. LTD. Petitioner

Through **Mr. Manoj Ohri, Sr. Adv. with
Mr. S. Santanam Swaminadhan,
Mr. Rahul Sharma and
Ms. Nishtha Khurana, Advocates**

versus

STATE (GOVT. OF NCT OF DELHI) & ORS Respondents

Through **Ms. Isha Khanna, Adv. for R-1 to R-3
with SI Vijay Pal and SI Yogendra
Kumar, P.S. Tuglak Road
Mr. Kedar Yadav, Adv. for R-4**

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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20.07.2017

1. Petitioner has filed the present petition, *inter alia*, claiming to be the owner of the Servant Quarter behind Gurudwara Singh Sabha, Sujan Singh Park, New Delhi (hereafter 'the Servant Quarter'). The grievance of the petitioner is that although it succeeded in the litigation against respondent no.4 and has also evicted respondent no.4 from the Servant Quarter occupied by him, respondent no.4 has repeatedly obstructed and prevented the petitioner from demolishing the Servant Quarter. It is also the petitioner's grievance that the police authorities have failed to render any assistance to the officers of the petitioner company. And, despite its request to maintain law and order while the petitioner company carries on the demolition activity of the Servant Quarter, the police authorities have failed to restrain

respondent no.4 from obstructing the activity.

2. The dispute essentially arises in relation to the Servant Quarter behind Gurudwara Singh Sabha, Sujan Singh Park, New Delhi, which was occupied by respondent no.4, who is the son of Lt. Budha Ram. It is stated that Budha Ram was permitted to reside in the Servant Quarter in view of his employment with the petitioner company. Since respondent no.4 was not vacating the Servant Quarter, the petitioner filed an eviction petition under Section 14(1) of the Delhi Rent Control Act, 1958 which was decreed on 04.02.2008. Aggrieved by the same, respondent no.4 approached the Rent Control Tribunal by way of an Appeal (RCTA no.24/ 2008) which was also dismissed by an order dated 06.09.2011. The respondent no.4 thereafter appealed to this Court by way of CM (M) no.89 of 2012; this was also rejected by an order passed by this Court on 16.02.2012.

3. In the meanwhile, on 01.02.2012, the petitioner took possession of the Servant Quarter occupied by respondent no.4 in the presence of police officials. The report of the Court bailiff, to this effect, has also been placed on record. Respondent no.4 thereafter filed a Suit before the District Court, Patiala House (suit no.25/2014). The plaint has also been placed on record.

4. The learned counsel for the petitioner has drawn the attention of this Court to paragraph 3 of the said suit (suit no.25/2014) wherein respondent no.4 had asserted that he had been thrown out of his *jhuggi* and a lock has been put on his *jhuggi* by the petitioner company (defendant therein) and thereafter he is inevitably occupying the outer portion of the *jhuggi* with his family including his two sons and his wife.

5. The learned counsel for respondent no.4 states that the matter is purely of a civil nature regarding eviction of an occupant from the premises,

and therefore, the present petition is not maintainable. He submits that the only recourse open to the petitioner is to approach the Civil Court and obtain a decree for eviction.

6. It is apparent from the above narration that respondent no.4 has been unauthorisedly and forcibly occupying the Servant Quarter in question. It is further apparent that the petitioner company is making efforts to evict respondent no.4 from the Servant Quarter since past several years.

7. Although the petitioner has been successful in obtaining the decree of eviction and has also executed the same, it is clear that respondent no.4 has been obstructing the petitioner from demolishing the Servant Quarter in question. In the circumstances, the petitioner's request to the police authorities for their assistance has not been acceded to.

8. The learned counsel for respondent nos.1 to 3 states that the police authorities are refraining from assisting the petitioner company in carrying on demolition activities of the Servant Quarter because there is no specific orders of the Court to this effect.

9. The records of the present case are clear and the petitioner would be entitled to assistance from the police authorities to ensure that they are not obstructed in carrying out the demolition activities.

10. The SHO of the concerned Police Station is, therefore, directed to ensure that necessary assistance is rendered to the petitioner to ensure that no obstruction is created by respondent no.4 or any other person in the demolition of the Servant Quarter in question.

11. Learned counsel for respondent nos.1 to 3 states that although there would be no difficulty in assisting the petitioner for demolition of the Servant Quarter in question, however, she states that the difficulty arises as

respondent no.4 may occupy the adjacent servant quarter.

12. Records of the case are clear and it is respondent no.4's own case that respondent no.4 is occupying only the outer portion of the Servant Quarter as he has been evicted from the said Servant Quarter, therefore, the question of respondent no.4 now claiming possession of any other servant quarter or the adjacent property does not arise. In the circumstances, it is directed that if respondent no.4 occupies any other space/place or any adjacent property as a trespasser, the concerned authorities would examine the petitioner's claim in this regard and unless respondent no.4 shows any material or document to prove his right to occupy any portion of the Servant Quarters behind Gurudwara Singh Sabha, Sujan Singh Park, New Delhi or any of the adjacent property, the police authorities shall assist the petitioner company to get the same vacated.

13. The petition along with the pending applications are disposed of with the aforesaid directions.

14. A copy of the order be given *dasti*.

VIBHU BAKHRU, J

JULY 20, 2017/nn