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

+ LPA 803/2017 & CM Nos.46372-46373/2017

MUNNA KHAN THR LR Appellant

Through: Ms. Seema Bengani, Adv.

versus

GOVT OF NCT OF DELHI & ANR Respondents

Through: Mr. Gautam Narayan, ASC with
Mr. R.A. Iyer and Ms. Mahamaya Chatterjee,
Adv. along with Mr. Prem Mishra, LA, DTIDC.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE A.K. CHAWLA

ORDER

20.12.2017

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The Court was informed that in similar orders made by the Single Judge in respect of identical cases on the same day i.e. in W.P.(C) No.6335/2016, in respect of appeals preferred against the common judgment (impugned in the present case dated 04.12.2017), the Division Bench had granted limited relief to the appellants to continue occupying the premises till 31.01.2018, subject to an undertaking to be furnished that they would hand over vacant and peaceful possession on or before the said date. The respondent's counsel informed the Court that soon after the impugned judgment was delivered on 04.12.2017, the present appellants were dispossessed from the licensed premises. This was contested by the appellant's counsel. In the light of these conflicting statements, the Court had adjourned the matter.

Mr. Gautam Narayan, learned Standing Counsel submits, on instructions, that without entering into any further controversy, the appellants would be restored possession of the premises, i.e. an STD booth at Anand Vihar, within 24 hours provided the appellants furnish an undertaking in terms like in the case of the other appellants. This was acceptable to the appellant. Learned counsel Ms. Seema Bengani, on instructions, submitted that the offer is acceptable.

In the light of the above, the respondents are directed to ensure that the status quo as existing on 04.12.2017 with respect to the licence for the kiosk is restored i.e. the possession is handed over to the appellants (legal heirs of late Munna Khan) within 24 hours. This is subject to the appellants furnishing within a week an affidavit in the form of an undertaking that they would hand over vacant and peaceful possession of the kiosk to the respondents on or before 31.01.2018. The undertaking shall also state that the licence fee/charges would be paid to the respondents for the said period.

Nothing further survives in the appeal; it is accordingly disposed of.

S. RAVINDRA BHAT, J

A.K. CHAWLA, J

DECEMBER 20, 2017

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