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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 891/2015, CM No.1564/2015 (for stay) & CM No.4630/2016
(for directions).

PRADEEP GAMBHIR & ANR Petitioners

Through: None.

versus

DELHI DEVELOPMENT AUTHORITY & ORS Respondents

Through: Mr. Dhanesh Relan, Standing
Counsel for DDA with Ms. Mrinalini
Sharma and Ms. Gauri Chaturvedi,
Advts. for DDA.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **16.08.2018**

1. None appears for the petitioners or for the respondent no.4 Aristo Pharmaceuticals Ltd.
2. The counsel for the respondents no.1,2&3 Delhi Development Authority (DDA) states that this petition is infructuous.
3. This petition was filed impugning (i) the order dated 11th June, 2001 of the respondent no.2 Estate Officer of the respondent no.1 DDA under Section 5 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (PP Act) with respect to land *ad measuring* 502.22 sq. yds. bearing plot no. 26, Motia Khan, Delhi; (ii) the judgment dated 18th August, 2007 of the Additional District Judge acting as the Appellate Officer under Section 9 of the PP Act of dismissal of the appeal preferred against the aforesaid order of the Estate Officer; and, (iii) order dated 5th December, 2014 of the Additional District Judge dismissing the application filed for review.

4. The petition was entertained and notice thereof ordered to be issued, though no interim order granted.
5. The order dated 17th March, 2016 in this petition records the contention of the counsel for the petitioners that against the order of the respondent DDA, of determination of lease, writ petition was filed which was dismissed and LPA No.104/2015 preferred thereagainst was withdrawn but liberty was granted to the petitioners to apply to the respondent DDA for restoration of the lease and in accordance with which liberty representation was made but was not being decided. The proceedings in this petition, on 17th March, 2016 were adjourned to enable the counsel for the respondent DDA to obtain instructions.
6. On 3rd May, 2016, the counsel for the respondent DDA informed that the representation had been rejected.
7. The order dated 3rd February, 2017 records the contention of the counsel for the petitioners that the amount deposited by the petitioners of Rs.65,00,000/- for freehold conversion had not been refunded. Thereafter, the proceedings have been adjourned from time to time.
8. The counsel for the respondent DDA today states that the said amount has also been refunded under cover of letter dated 30th March, 2017, a copy of which is handed over in the Court and is taken on record.
9. The counsel for the respondent DDA also states that the respondent DDA, in pursuance to the order of eviction, has already recovered possession, as recorded in the letter dated 28th March, 2017 copy of which is also handed over in Court and is taken on record.

10. It is the contention of the counsel for the respondent DDA that the petition is now infructuous and that is why none is appearing for the petitioners.

11. Dismissed in default.

RAJIV SAHAI ENDLAW, J.

AUGUST 16, 2018

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12. Mr. Divy Pratap, Advocate has mentioned the matter at 1320 hours and states that the counsel for the petitioner, on account of his personal inconvenience had requested him to appear and take adjournment but he could not appear, when the matter was called out.

13. Since detailed reasons have been given and after those the petition has been dismissed in default, the counsel for the petitioner, if feels the need, will have liberty to apply.

RAJIV SAHAI ENDLAW, J

AUGUST 16, 2018

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