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

Judgment pronounced on: 16.02.2018

+ **W.P.(C) 1432/2018 & CM APPL. 5905/2018**

PRAMOD KUMAR RASTOGI Petitioner

Through: **Mr. Pramod Kumar Rastogi,**
Petitioner in person.

versus

GOVERNMENT OF NCT OF DELHI & ORS. Respondents

Through: **Mr. Sachin Nahar, Advocate for**
R1.

Ms. Mini Pushkarna, Standing
Counsel with Ms. Vasundhara
Nayyar and Ms. Anushruti,
Advocates for DYSIB.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

RAJIV SHAKDHER, J. (ORAL)

1. Issue notice.
2. Ms. Mini Pushkarna accepts notice on behalf of respondent No. 2.
3. Learned counsel says that she does not wish to file a reply.
4. In view of the order that I propose to pass, for the moment, notice need not be issued to respondent No.3. In any case, the prayers in the petition are directed against respondent No.1 and 2 only.
5. In short, the grievance of the petitioner is that respondent No. 1 and 2 ought to take cognizance of the fact that respondent No.3, contrary to the terms of the lease deed dated May 1962, in particular, Clause (10), has without permission, leased out the subject property to the petitioner.

5.1 It is not disputed, though, by the petitioner, who appears in person that respondent No. 3 has filed a civil suit against him for eviction which is pending adjudication before the Additional District Judge, Patiala House Courts.

6. In the suit, it appears that an application under Order XII Rule 6 has been filed for passing a decree on admission. This is evident upon perusal of a copy of order dated 25.01.2018, passed in the said suit i.e., CS (OS) No.59100/2016.

7. Having regard to the contentions made in the writ petition, I am of the view that the petitioner is attempting to use the writ proceedings to stymie the proceedings of the civil suit instituted by respondent No. 3.

8. However, having said so, respondent No. 1 and 2 will take cognizance of the averments made in the writ petition, and if necessary, will take appropriate action in accordance with the terms of the lease deed and the extant provisions of law.

9. Writ petition is disposed of with the aforesaid observations.

10. Pending application is closed.

RAJIV SHAKDHER, J

FEBRUARY 16, 2018

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