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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
W.P.(C) 4428/2013 & CM No.10242/2013 (for stay)
RAMESHWAR DASS & ANR Petitioners
Through: Mr. Shaurya Sahay & Mr. Kumar
Abishek, Adv.
Versus
DELHI DEVELOPMENT AUTHORITY Respondent
Through: Ms. Shobhana Takiar, Adv.
AND
+ W.P.(C) 4429/2013 & CM No.10247/2018 (for stay)
ROSHAN LAL & ANR. Petitioners
Through: Mr. Shaurya Sahay & Mr. Kumar
Abishek, Adv.
Versus
DELHI DEVELOPMENT AUTHORITY Respondent
Through: Ms. Shobhana Takiar, Adv.
AND
W.P.(C) 4433/2013 & CM No.10257/2013 (for stay)
KARAM CHAND & ANR Petitioners
Through: Mr. Shaurya Sahay & Mr. Kumar
Abishek, Adv.
Versus
DELHI DEVELOPMENT AUTHORITY Respondent
Through: Ms. Shobhana Takiar, Adv.
CORAM:
HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW
ORDER
% **24.07.2018**

1. These petitions under Article 226 and 227 of the Constitution of India were preferred impugning the orders, of the District Judge acting as the Appellate Officer under Section 9 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 of dismissal of appeal, preferred by the petitioners in each of the petitions, against the orders of the Estate Officer of

the respondent Delhi Development Authority (DDA) of eviction of the petitioners in each of the petitions.

2. These petitions have been pending in this Court and for the last few dates were being adjourned awaiting the outcome, either of an appeal preferred to the Division Bench in a similar matter or awaiting the outcome of the Special Leave Petitions (SLPs) preferred to the Supreme Court.

3. The counsel for the petitioners in all the petitions today informs that the Supreme Court has dismissed the SLPs preferred by persons similarly situated as the petitioners but has vide order dated 20th March, 2018 in SLP(C) Diary No(S).5253/2018 titled ***Shiv Shankar & Ors. Vs. Delhi Development Authority & Anr.***, subject to the petitioners therein filing an affidavit of undertaking to vacate and handover peaceful physical possession of the property in their possession on or before December, 2019, granted time to vacate till then.

4. The counsel for the petitioners states that the petitioners herein also withdraw these petitions and will remain bound by the eviction order subject matter of each of the petitions but seek time to vacate as granted by the Supreme Court. It is further stated that the petitioners in all the petitions are willing to file affidavits of undertaking in this Court, undertaking to vacate and handover peaceful physical possession of the entire premises with respect to which eviction orders have been passed against them, to the respondent DDA, on or before 31st December, 2019 and not to deal with the said premises or part with possession thereof to anyone else.

5. The counsel for the respondent DDA confirms the orders of the Supreme Court.

6. Accordingly, these petitions are dismissed as withdrawn.

7. However, subject to the petitioner/s in each of the petitions filing affidavits of undertaking in this Court with advance copy to the counsel for the respondent DDA, within four weeks of today, undertaking to this Court, to (i) handover vacant peaceful physical possession of the entire premises in their possession and with respect to which the order of eviction was made against them to the respondent DDA on or before 31st December, 2019; (ii) not to deal with the said premises in any other manner whatsoever and not to alienate, encumber or part with possession thereof to anyone else, the petitioners are granted time till 31st December, 2019 to remove themselves from the premises. In the event of affidavits of undertaking being filed, the eviction orders against the petitioners be not executed till 31st December, 2019. However, if the affidavits of undertaking are not filed as aforesaid, the respondent DDA shall be entitled to execute the orders of eviction forthwith. In the event of affidavits of undertaking being filed, the said undertakings are accepted and the petitioners are ordered to be bound therewith and cautioned through counsel of consequences of breach of undertaking given to the Court. In the event of breach of any of the undertakings, the respondent DDA shall be entitled to, not only forthwith evict the petitioners, but to also take appropriate action against the petitioners for breach of undertakings given to the Court.

8. The petitions are disposed of.

RAJIV SAHAI ENDLAW, J

JULY 24, 2018

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