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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 3419/2018 & CM APPL.55960/2019 (under Order XXII
Rule 3), CM APPL.55962/2019

MITTHAN LAL Petitioner
Through Mr. Shauray Sahay, Advocate.
versus

DELHI DEVELOPMENT AUTHORITY Respondent
Through Mr. Arjun Pant, Advocate

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **28.01.2020**

**CM APPL.55960/2019 (under Order XXII Rule 3) CM APPL.
55962/2019 (condonation of delay in filing application under
Order XXII Rule 3)**

For the reasons stated in the application, the applications are allowed. The delay in filing the application for substitution is condoned and the legal heirs of the deceased petitioner are brought on record. The amended Memo of parties is taken on record.

CM APPL.55961/2019 (for extension of time)

1. By this application, petitioners seek extension of time granted to the petitioners to vacate the premises by order dated 08.10.2018.

2. In view of the directions passed by the Supreme Court in certain Special Leave Petitions of similarly situated persons these petitions were disposed of and petitioners were given time to vacate the subject premises by the end of December 2019, subject to filing affidavits of undertakings.

3. It is contended by the learned counsel for the petitioners that the Supreme Court in some of the SLPs of similarly situated individuals, have extended the time to vacate till 31.03.2020.

4. It is contended by the learned counsel for the petitioners that an application for extension of time was filed on 30.12.2019 and the same was granted till 16.01.2020.

5. Learned senior counsel for the DDA submits that extension was granted in this petition by order dated 30.12.2019 since the petitioner had relied on the order of the Supreme Court in *Baljeet Singh And Anr. vs. Delhi Development Authority Through its Vice Chairman And Anr.* (SLP 33490-33492/2016)

6. Learned senior counsel appearing for the DDA submits that in other Special Leave Petitions, Supreme Court rejected similar applications and when this fact was brought to the notice of the Supreme Court in *Baljeet Singh & Anr (supra)*, the Supreme Court specifically directed that the extension was granted in the peculiar facts and circumstances of the case and also the fact that they were unaware of the dismissal of similar applications in the other SLPs. He submits that the Supreme Court further directed that order of extension would not be treated as precedent and relied on in any case.

7. I am of the view that since this petition was disposed of on an undertaking filed or to be filed by the petitioners that they shall vacate the said premises on or before 31.12.2019, no application for extension of time would lie.

8. In any event, I am not inclined to extend the time since the petition was disposed of an undertaking by the petitioner.
9. Application is, accordingly, dismissed.
10. Order *Dasti* under signatures of the Court Master.

SANJEEV SACHDEVA, J

JANUARY 28, 2020/st