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

+ W.P.(C) 6458/2018 & CM No.24847/2018 (for stay).

KAMAL SAHAI YADAV

..... Petitioner

Through: Mr. A.K. Ganguli, Sr. Adv. with Mr.
Arijit Mazumdar, Mr. Shambo
Nandy, Mr. Akshay Chandra and Mr.
Aayush Aggarwal, Advs.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr. Rajesh Gogna, CGSC for R-1
to 3.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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28.09.2018

1. This order is in continuation of the earlier orders dated 2nd August, 2018 and 27th August, 2018.
2. Though the alleged sub lettees found in the premises at the time of inspection thereof are not present, as directed on 2nd August, 2018, but the petitioner appears in person and after interacting with him and perusing the documents I am satisfied that the petitioner, a peon in the Supreme Court, was occupying the allotted premises himself along with his family members and had not sublet the same.
3. Resultantly the order dated 17th May, 2018 in PPA No.11/2013 of the Court of District Judge, New Delhi acting as Appellate Officer under Section 9 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (PP Act) impugned in this appeal as well as the order dated 17th December, 2012 of the respondent no.3 Estate Officer in exercise of powers

under Section 5 of the PP Act of eviction of the petitioner from Flat No.171, Block-71, Sector-3, DIZ Area, New Delhi impugning which the appeal aforesaid was filed, are set aside.

The petition is disposed of.

RAJIV SAHAI ENDLAW, J

SEPTEMBER 28, 2018

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