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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 7248/2018**
LEKH RAJ Petitioner

Through: Mr. Jitendra Kumar & Ms. Reetu
Sharma, Advs.

Versus

ESTATE OFFICER & ANR Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **16.07.2018**

CM No.27647/2018 (for exemption)

1. Allowed, subject to just exceptions.
2. The application is disposed of.

W.P.(C) 7248/2018, CM No.27648/2018 (for stay) & CM No.27649/2018
(u/S 151 CPC)

3. This petition under Article 227 of the Constitution of India impugns the order [dated 1st June, 2018 in PPA No.16/2016 of the Court of District Judge, Shahdara District, Karkardooma Courts, Delhi exercising jurisdiction as an Appellant Authority under Section 9 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971] of dismissal of the appeal preferred by the petitioner against the order dated 4th July, 2016 of the Estate Officer of the Government of NCT of Delhi (GNCTD) of eviction of the petitioner from Shop No.5, near Casualty area, GTB Hospital, Dilshad Garden, Delhi on or before 12th July, 2016.

4. A perusal of the impugned judgment shows that the petitioner though preferred appeal before the District Judge against the order of his eviction, on 8th January, 2018 sought only two months time to vacate the same and on 24th March, 2018 stated that he will vacate the premises within six months.

5. I have enquired from the counsel for the petitioner that the petitioner, on 8th January, 2018 having desired only two months time and which lapsed on 7th March, 2018 and the petitioner, on 24th March, 2018 having desired further six months and of which also nearly four months are over, what can be the grievance of the petitioner in this petition.

6. The counsel for the petitioner states that the petitioner today also desires only eight months time to vacate the premises, as marriage in the family of the petitioner is to take place.

7. The premises are not residential, for the marriage to be disturbed. Else, it is inexplicable from a reading of the impugned judgment/order as to why the learned District Judge, on 8th January, 2018 did not close the matter after binding the petitioner to vacate the premises within two months or as to why on 24th March, 2018 also, inspite of the petitioner having confined the relief to grant of time, the matter was not disposed of and kept pending. The impugned order records, that on 8th January, 2018 “the matter was kept for payment of arrears and thereafter certain dues of licence fee remained unpaid”. A perusal of the order dated 4th July, 2016 of the Estate Officer shows the same to be only of eviction and not of recovery of any damages. It is therefore inexplicable as to why the learned District Judge, exercising powers as an Appellate Authority, entered into the domain of damages.

8. Similarly, it is inexplicable from the impugned order, that if on 24th March, 2018 also the petitioner only wanted six months time, why the matter was kept pending till 1st June, 2018 and why judgment was reserved on 10th May, 2018 when no arguments on merits were addressed. In fact, the impugned order in para no.7 also records that the only contention of the counsel for the petitioner was that he would vacate if time is given. In this view of the matter, the writing of a judgment on merits, that too cursorily, is inexplicable. Moreover, by not passing the judgment on 24th March, 2018 and deferring the same till 1st June, 2018, more time than sought by the petitioner on 8th January, 2018 was granted.

9. No case for granting any further time to the petitioner is made out.

10. The petitioner, by seeking time to vacate, on 8th January, 2018 and 24th March, 2018 before the District Judge, and today also, has accepted the order of eviction and thus the need to go into the merits is not felt.

11. Dismissed.

12. A copy of this order be forwarded to the District Judge, District Shahdara, Karkardooma Courts, Delhi who is requested to within two weeks explain in writing the aforesaid.

RAJIV SAHAI ENDLAW, J

JULY 16, 2018

‘gsr’ ..