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

+ W.P.(C) 3552/2014 & CMs No.7252/2014 (for stay), 31494/2015 & 33687/2017 (both for directions)

DIGAMBER JAIN MAHILA ASHRAM

..... Petitioner

Through: Mr. Sanjay Jain, Sr. Adv. with Mr. Pawan Duggal, Ms. Ruchi Jain and Mr. Umang Das, Advs.

Versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr. Brajesh Kumar, Adv. for UOI with Mr. Nirmal Bhandari, Legal Superintendent, L&DO.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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13.09.2018

1. This petition under Articles 226 & 227 of the Constitution of India was filed, seeking (i) quashing of the letter dated 11th January, 2001 issued by the respondent No.4 Estate Officer, Land & Development Office and the proceedings pursuant thereto; and, (ii) mandamus directing the respondents to revoke the cancellation of the lease and withdraw the letter dated 11th January, 2001 and to return back and hand over land mentioned in the writ petition and to allow the petitioner to construct the proposed building on the land and to run its activities.

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2. The petition came up first before this Court on 28th May, 2014, when on the contention of the counsel for the petitioner that the lease in favour of the petitioner had been cancelled in violation of the terms thereof, notice of the petition was ordered to be issued and *status-quo* qua possession directed to be maintained.

3. The proceedings were thereafter adjourned from time to time.

4. On 7th August, 2018, the counsel for the petitioner was partly heard and while adjourning further hearing to today, it was made clear that there was no stay of proceedings before the Estate Officer and that the pendency of this petition would not come in the way of the Estate Officer passing an order.

5. On 10th September, 2018, an application of the petitioner came up before this Court when it was informed that the Estate Officer, pursuant to the order dated 7th August, 2018, had re-commenced the proceedings. I had then asked, why the petition should not be disposed of. The senior counsel for the petitioner however stated that the hearing in this petition be adjourned awaiting the order of the Estate Officer. It was observed in the order dated 10th September, 2018, that the petitioner has to make a choice, whether to proceed with this petition or to participate in the proceedings before the Estate Officer and withdraw this petition reserving the right to take all grounds as urged herein in the challenge, if any, made to the order of the Estate Officer and of the District Judge acting as an Appellate Officer under Section 9 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, if against the petitioner.

6. Today, the senior counsel for the petitioner, under instructions, states that the petitioner opts to withdraw this petition reserving the right to take all grounds as urged herein in the challenge, if any, made in future to the order of the Estate Officer and the order of the District Judge, as aforesaid.
7. The counsel for the respondents has no objection.
8. The petition is thus disposed of as withdrawn with liberty aforesaid.
9. The Estate Officer is directed to conclude the proceedings on or before 15th January, 2019.
10. Both parties are directed to co-operate in expeditious disposal of proceedings before the Estate Officer.

RAJIV SAHAI ENDLAW, J.

SEPTEMBER 13, 2018

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