

\$~64 to 67

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
W.P.(C) 8479/2018

MOHAN LAL ARORA ..... Petitioner  
Through: Ms. Anusuya Salwan, Ms. Kanika  
Bansal and Ms. Shreya Sharma,  
Adv.

Versus

DELHI DEVELOPMENT AUTHORITY ..... Respondent  
Through: Mr. Arjun Pant, Adv.

**AND**

W.P.(C) 8480/2018  
SHRI KANCHHIDMAL (SINCE DECEASED)  
THROUGH LRS .....Petitioner  
Through: Ms. Anusuya Salwan, Ms. Kanika  
Bansal and Ms. Shreya Sharma,  
Adv.

Versus

DELHI DEVELOPMENT AUTHORITY ..... Respondent  
Through: Mr. Arjun Pant, Adv.

**AND**

W.P.(C) 8486/2018  
JAG MOHAN ..... Petitioner  
Through: Ms. Anusuya Salwan, Ms. Kanika  
Bansal and Ms. Shreya Sharma,  
Adv.

Versus

DELHI DEVELOPMENT AUTHORITY ..... Respondent  
Through: Mr. Arjun Pant, Adv.

**AND**

+ W.P.(C) 8487/2018  
RAKESH PURI

..... Petitioner

Through: Ms. Anusuya Salwan, Ms. Kanika  
Bansal and Ms. Shreya Sharma,  
Advs.

Versus

DELHI DEVELOPMENT AUTHORITY ..... Respondent

Through: Mr. Arjun Pant, Adv.

**CORAM:**

**HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW**

**ORDER**

%

**14.08.2018**

**CM No.32570/2018 in W.P.(C) No.8479/2018, CM No.32579/2018 in W.P.(C) No.8480/2018, CM No.32601/2018 in W.P.(C) No.8487/2018 & CM No.32597/2018 in W.P.(C) No.8486/2018 (all for exemption)**

1. Allowed, subject to just exceptions.
2. The applications are disposed of.

**W.P.(C) No.8479/2018 & CM No.32569/2018 (for stay), W.P.(C) No.8480/2018 & CM No.32578/2018 (for stay), W.P.(C) No.8487/2018 & CM No.32600/2018 (for stay) & W.P.(C) No.8486/2018 & CM No.32596/2018 (for stay)**

3. These petitions, all under Article 227 of the Constitution of India, impugn the identical judgments [all dated 2<sup>nd</sup> July, 2018 in PPA No.39/2016 (1120/2016), PPA No.33/2016 (1192/2016), PPA No.37/2016 (1179/2016) and PPA No.34/2016 (1191/2016) respectively and all of the Court of District Judge (South-East) acting as the Appellate Officer under Section 9 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 (PP Act)] of dismissal of appeals filed by each of the petitioner against the orders [all dated 6<sup>th</sup> May, 2016 of the Estate Officer of the respondent Delhi Development Authority (DDA) under Section 5 of the PP Act] of eviction of

each of the petitioner from the premises in the respective possession of the petitioners in Khasras No.64/1 min, 65/1 min and 66/1 min near Fire Station, Ashram Chowk, Jag Ram Akhara, New Delhi.

4. After hearing, the counsel for the petitioners, under instructions from the petitioners, unconditionally withdraws these petitions and states that the petitioners shall be bound by the orders of their respective eviction unless they get relief in proceedings which the petitioners intend to initiate under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. It is stated that the orders of eviction be made inexecutable for a period of 10 days from today, to enable the petitioners to initiate the said proceedings and to seek interim orders of protection from eviction in the said proceedings.

5. Though the counsel for the respondent DDA appears on advance notice but states that he has no instructions to consent to non-execution of the eviction orders for a period of 10 days from today.

6. The counsel for the respondent DDA however draws attention to the order dated 9<sup>th</sup> June, 2008 of this Court in the earlier round, recording the statement of the then counsel for the petitioners that the petitioners have no title to the premises in their respective occupation and are merely in possession thereof for long. It is argued that the petitioners have no rights under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act.

7. The counsel for the petitioners states that the order dated 9<sup>th</sup> June, 2008 was set aside by the Division Bench of this Court vide order dated 5<sup>th</sup> November, 2008.

8. Undoubtedly so, but on a reading of the order dated 5<sup>th</sup> November, 2008, it is not known as to what reason prevailed with the Division Bench to set aside the order dated 9<sup>th</sup> June, 2008. The order dated 5<sup>th</sup> November, 2008 merely records that the order dated 9<sup>th</sup> June, 2008 was being set aside with the consent of the counsel for the respondent DDA and the proceedings before the Estate Officer be revived and adjudicated afresh.

9. Be that as it may, being of the view that in any case the respondent DDA takes about 10 days to mobilise itself to execute the eviction order and being further of the view that since this Court is not expressing view either way as to the very maintainability of the proceedings which the petitioners intend to initiate, it is deemed appropriate to allow withdrawal of the petitions, as sought and to make the orders of eviction inexecutable for 10 days from today.

10. The petitions are thus dismissed as withdrawn in terms of above. However notwithstanding the same, the orders of eviction, from which these petitions arise, shall be inexecutable till 26<sup>th</sup> August, 2018.

No costs.

**RAJIV SAHAI ENDLAW, J.**

**AUGUST 14, 2018**

bs ..