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

+ W.P.(C) 8401/2016, CM No.34746/2016 (u/S 151 CPC for stay)

BUDH SINGH Petitioner

Through: Mr.Harish C. Pant, Advocate

versus

ESTATE OFFICER AND ASST. DIRECTOR Respondent

Through: Mr.Srivats Kaushal, Advocate

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

27.07.2018

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1. This petition under Article 226 of the Constitution of India was preferred impugning the judgment / order [dated 16th May, 2016 in PPA No.61/2014 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')] of dismissal of appeal preferred by the petitioner against the order [dated 27th November, 2014 under Section 5(1) of the PP Act] of the Estate Officer of eviction of the petitioner from government quarter No.1157, Sector 4, R.K. Puram, New Delhi.

2. The petition came up before this Court first on 21st September, 2016, when though notice thereof was not ordered to be issued, the eviction of the petitioner was restrained. On the next date of hearing, after some argument, the counsel for the petitioner stated that the petitioner will hand over vacant

possession of the government quarter to the respondent before 31st December, 2016 and sought time to be heard finally on the amounts directed to be recovered from the petitioner as damages. Notice of the petition was issued and pleadings ordered to be completed.

3. The counsel for the petitioner states that the petitioner has already vacated the quarter and now the question remains only of damages.

4. However, neither does the order of the District Judge impugned in this petition deal with damages nor does the order of the Estate Officer, appeal whereagainst was preferred before the District Judge, is of assessment of damages. Attention however is invited to Annexure VI to the counter affidavit of the respondent, being a copy of rent assessment summary.

5. I have enquired from the counsel for the petitioner, whether any demand for any amount has been made from the petitioner or any proceedings in that regard instituted.

6. The answer is in the negative.

7. The counsel for the respondent states that the document annexed as Annexure VI to the counter affidavit is provisional rent assessment report. The counsel for the respondent also admits that no claim for damages has been made before the Estate Officer as yet.

8. In the aforesaid circumstances, the statement of the counsel for the petitioner on 22nd September, 2016 that this petition be kept alive for hearing on the assessment of damages was misconceived and on the petitioner giving an undertaking to vacate the premises in acceptance of the impugned order, the petition ought to have been disposed of.

9. The petition is thus disposed of leaving open remedies which may be available in law to the petitioner to contest the claim, if any made for damages against him.

RAJIV SAHAI ENDLAW, J

JULY 27, 2018

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