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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ W.P.(C) 7241/2017 & CM No.18266/2018 (u/S 151 CPC).  
UNION OF INDIA AND ORS ..... Petitioners  
Through: Ms. Arti Bansal, Adv.  
versus  
SURESH KUMAR ..... Respondent  
Through: Mr. Anjani Kumar and Mr. Rajeev  
Kumar, Advs.

**CORAM:**

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

**ORDER**

% **02.08.2018**

1. This order is in continuation of the earlier order dated 31<sup>st</sup> July, 2018.
2. Ms. Arti Bansal, Advocate today states that it is necessary for the petitioners to pursue this petition inasmuch as if the order impugned stands it may affect the claim of the petitioners against the respondent under Section 7 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (PP Act).
3. It is further stated that instructions are awaited from the Secretary, Ministry of Urban Development in this regard.
4. It is not understandable why the Secretary, Urban Development is not issuing timely instructions to the counsels inspite of repeated newspaper reports of all public officials being required to perform their duties diligently. A copy of this order be forwarded to the Secretary, Ministry of Urban Development for intimation and for further action.
5. As far as the apprehension expressed by the counsel for the petitioners is concerned, the same can be taken care of by clarifying that the order of the District Judge acting as the Appellate Officer under Section 9 of the PP

Act impugned in this petition shall not come in the way of the claim of the petitioners against the respondent for damages for unauthorised use and occupation of the premises and the petitioners shall be entitled to make a claim in accordance with law. Of course, if such claim is made the respondent shall be entitled to take all defences save the defence of the claim for damages being not maintainable owing to the impugned order. Similarly, the respondent shall be entitled to challenge the order under Section 7 of the PP Act if against the respondent in accordance with law and in which challenge also the order impugned in this petition shall not come in the way of the Appellate Officer or this Court assessing the damages in accordance with law.

6. With the aforesaid clarification, the petition is disposed of.

**RAJIV SAHAI ENDLAW, J**

**AUGUST 02, 2018**

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