

\$~53

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

Date of Decision: 03rd October, 2018

+ LPA 562/2018 & CM APPLs. 41074-75/2018

NIRMAL SINGH RANA Appellant
Through: Mr. Amit Sharma, Adv.

versus

THE ESTATE OFFICER & ANR. Respondents
Through: Mr. Vikas Mahajan, CGSC with
Mr. Aakash Varma &
Ms. Yantakshikaa Sharma, Advs. for
R-1 & 2.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE V. KAMESWAR RAO

J U D G M E N T

RAJENDRA MENON, CHIEF JUSTICE (Oral)

CM No.41075/2018 (exemption)

Allowed, subject to just exceptions.

LPA No.562/2018 & CM No.41074/2018 (stay)

1. Seeking exception to an order dated 07.09.2018 passed by the learned writ court in W.P.(C) No. 8872/2018, this appeal has been filed under Clause 10 of the Letters Patent.
2. Appellant claims to have been allotted a space measuring 1.0 sq. mtr. in the courtyard of Outpatient Department Hall, Dr. Ram Manohar Lohia

Hospital for establishing a kiosk for sale of coffee and finding him to be an unauthorized occupant, proceedings were initiated against him under the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 (hereafter referred to as 'the Act'). He was evicted by the Estate Officer under Section 5 of the Act. Appeal filed before the Additional District Judge under Section 9 was dismissed and both these orders have been affirmed by the learned writ court also. Appellant challenges the same before us.

3. Having considered the contentions advanced, we find that the concurrent findings of fact have been recorded by both the statutory authorities and the writ court and the appellant is unable to produce any document or letter in his favour showing allotment of the space to him.

4. Taking note of all these factors, we see no reason to interfere into the concurrent orders passed by the statutory authorities and affirmed by the writ court. The appeal stands dismissed. The pending application also stands disposed of accordingly.

Copy of this order be given *dasti* under the signatures of the Court Master.

CHIEF JUSTICE

V. KAMESWAR RAO, J

OCTOBER 03, 2018

kks