

\$~20,21,22&23

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

W.P.(C) 9222/2017

SOHAN PAL

..... Petitioner

Through: Mr. Kamlesh Kumar Mishra & Mr.
Rahul Kumar, Advs.

Versus

DELHI DEVELOPMENT AUTHORITY

..... Respondent

Through: Mr. Rajiv Bansal, Sr. Adv. with Mr.
Dhanesh Relan, Ms. Komal, Ms.
Mrinalini Sharma & Ms. K. Singh,
Advs.

AND

W.P.(C) 10574/2017

MADAN LAL

..... Petitioner

Through: Mr. Kamlesh Kumar Mishra & Mr.
Rahul Kumar, Advs.

Versus

DELHI DEVELOPMENT AUTHORITY

..... Respondent

Through: Mr. Rajiv Bansal, Sr. Adv. with Mr.
Dhanesh Relan, Ms. Komal, Ms.
Mrinalini Sharma & Ms. K. Singh,
Advs.

AND

W.P.(C) 10582/2017

BALJIT

..... Petitioner

Through: Mr. Kamlesh Kumar Mishra & Mr.
Rahul Kumar, Advs.

Versus

DELHI DEVELOPMENT AUTHORITY

..... Respondent

Through: Mr. Rajiv Bansal, Sr. Adv. with Mr.
Dhanesh Relan, Ms. Komal, Ms.
Mrinalini Sharma & Ms. K. Singh,
Advs.

AND

+ W.P.(C) 10588/2017
MAHENDER SINGH Petitioner
Through: Mr. Kamlesh Kumar Mishra & Mr.
Rahul Kumar, Advs.
Versus
DELHI DEVELOPMENT AUTHORITY Respondent
Through: Mr. Rajiv Bansal, Sr. Adv. with Mr.
Dhanesh Relan, Ms. Komal, Ms.
Mrinalini Sharma & Ms. K. Singh,
Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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10.09.2018

CM No.36623/2018 in W.P.(C) No.9222/2017, CM No.36728/2018 in W.P.(C) No.10574/2017, CM No.36624/2018 in W.P.(C) No.10582/2017 & CM No.36625/2018 in W.P.(C) No.10588/2017 (all of the petitioners for modification of the order dated 9th August, 2018).

1. The petitioners seek modification of the orders dated 9th August, 2018 of dismissal of the petitions and now want the same indulgence as granted to others whose cases were listed on 9th August, 2018.
2. The petitioners, through their counsel, were aware on 9th August, 2018 of the order of the Supreme Court mentioned in the order dated 9th August, 2018 as well as of the option exercised by others before this Court to avail of the same benefit as had been granted by the Supreme Court. However, the petitioners took a categorical stand that they wanted to press their petitions and have, after nearly one month of dismissal of their petitions, filed these applications. The blame is sought to be put on the counsel for the petitioners who had appeared on that date.

3. The senior counsel for the respondent Delhi Development Authority (DDA) appears on advance notice and opposes the applications. It is contended that the petitioners, after having exercised the choice and after having suffered the order of dismissal of the petitions, cannot be entitled to the same benefit which was given to others who did not press their petitions. It is contended that advocate who had appeared for the petitioners on 9th August, 2018 had been consistently representing the petitioners as well as large number of others before the Courts and it thus cannot be said that the counsel was not briefed. It is argued, that merely by putting up appearance of a different counsel out of multiple counsels whose vakalatnama is filed, modification in the order cannot be sought. It is further contended that though Supreme Court had granted time to vacate subject to affidavits of undertaking being filed, but on such affidavits being not filed within the prescribed time, had refused to grant any further time and withdrawn the order granting time. A copy of the order dated 10th August, 2018 in MA No.1892-1903/2018 in Special Leave Petition (Civil) Nos.4639-4650/2018 is handed over in the Court.

4. Per contra, the counsel for the petitioners contends that when the others have been granted time to vacate, the respondent DDA will not suffer any prejudice if the same time is granted to the petitioners also.

5. I have considered the aforesaid contentions.

6. I am of the view, that a litigant should not be permitted to play hooky in the Court and to indulge in acts in the nature of gambling, specially when have proper advice. Litigants ought to be bound by the stand taken in the Court. Merely because some others whose conduct was different from that

of the petitioners, have been granted time to vacate, would not entitle the petitioners also to, inspite of adopting a different course of action, avail of the same benefit. Moreover, the petitioners have already remained in unauthorized possession of public premises for long, and it is felt that no indulgence is required.

Dismissed.

Dasti under signature of Court Master.

RAJIV SAHAI ENDLAW, J

SEPTEMBER 10, 2018

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