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

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Judgment delivered on: 20.12.2019

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W.P.(C) 1070/2019
GOPAL SAINI

..... Petitioner

versus

THE DELHI DEVELOPMENT AUTHORITY AND ORS.

..... Respondents

Advocates who appeared in this case:

For the Petitioner: Mr. R.P.S. Bhatti, Advocate.

For the Respondents: Ms. Shobhana Takiar, Advocate for DDA

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

CM APPL.53858/2019 (for vacation of stay dated 15.01.2019)

1. Mr. R.P.S. Bhatti, Advocate enters appearance for the petitioner.
2. For the reasons stated in the application, the application is allowed.
3. Petition is taken up for hearing today.
4. The next date of 02.03.2020 is cancelled.

W.P.(C) 1070/2019

1. Petitioner impugns order dated 17.01.2013. Petition impugning the said order was filed in November, 2018 after a period of over four years.

2. Learned senior counsel appearing for DDA submits that identical orders were challenged by other petitioners unsuccessfully before this Court and thereafter LPAs were filed impugning the order of the Single Bench unsuccessfully. The LPAs were dismissed by judgment dated 31.01.2018 in LPA 497/2013 titled *Sunil Kumar & Anr. vs. Delhi Development Authority* and other connected petitions.

3. Learned senior counsel for the respondent further points out that thereafter the matter was taken up to the Supreme Court and in SLP(Civil) Diary No.5253/2018 titled *Shiv Shanker & Ors. vs. DDA*, all the special leave petitions were dismissed by order dated 20.03.2018. However, all petitioners therein were granted time till December 2019 to vacate the premises.

4. Learned senior counsel for the respondent submits that thereafter several other identically situated persons approached this Court and, in all cases, time was only granted till 31.12.2019 to vacate the premises.

5. Learned senior counsel for the respondent points out that on the one hand, the petitioners have filed these petitions after a delay of

four years and on the other hand, they concealed the orders of the Division Bench and also the order of the Supreme Court from this Court and all of them were aware that the time had been granted only till December, 2019.

6. Learned senior counsel for the respondent submits that in case any further time is granted to the petitioners, it would be granting premium to someone who have not been diligent in prosecuting the matter and have been a fence sitter.

7. Learned counsel for the petitioner undertakes that petitioner shall also vacate the premises on or before 31.12.2019.

8. Subject to petitioner filing affidavit of undertaking within a period of 4 days, petitioner shall not be evicted till 31.12.2019.

9. Petition is, accordingly, disposed of in the above terms.

10. Order *Dasti* under signatures of the Court Master.

DECEMBER 20, 2019
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SANJEEV SACHDEVA, J