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

+ W.P.(C) 8469/2016

SHRI MOHAN SINGH BARTHWAL Petitioner
Through: Mr. S. S. Tomar, Adv.

versus

THE COMMISSIONER, NORTH DELHI MUNICIPAL
CORPORATION & ORS. Respondents
Through: Ms. Mini Pushkarna, Standing
Counsel with Ms. Shiva Pandey and
Ms. Swagata Bhuyan, Adv. for Nr.
DMC.
Mr. Rajesh Kumar and Ms. Santwana,
Adv. for R3.

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

ORDER
% **03.07.2019**

CM No. 29120/2019

This is an application filed by the applicant / petitioner for stay thereby restraining the respondents, their employees, officials, contractors, etc. from dispossessing the petitioner / applicant from quarter in question. As the writ petition has been listed on July 16, 2019, I have asked the counsel for the parties whether they are ready to argue the writ petition today itself. The answer was in the affirmative.

Ms. Mini Pushkarna, learned Standing Counsel appearing for respondent Nr. DMC at the outset submits that on June 3, 2019 petitioner has handed over the possession of the property in question being D-1, Azad

Pur MCD Colony, Delhi to the officers of the MCD. Ms. Pushkarna also states that the possession was taken from the petitioner's son. Mr. S.S. Tomar, Id. Counsel for the petitioner on the other hand states that the petitioner was not present at the time of taking over as the petitioner was in the High Court for getting the application listed and the petitioner has signed the possession letter only in the evening. Be that as it may, Mr. S.S. Tomar, learned counsel appearing for the petitioner states, as the petitioner has vacated the quarter, the only prayer the petitioner is making is that he be permitted to remove his articles which are still lying in the quarter in question. This submission of Mr. Tomar is not opposed by Ms. Pushkarna. If that be so, I direct that the respondents shall allow the petitioner to have access to the quarter in question for removing his articles on July 8, 2019 at 11 AM, when the officers of the respondent Corporation shall also present.

It is made clear henceforth the petitioner shall have no claim whatsoever with regard to the quarter.

In view of the fact that the writ petition was pending consideration before this Court the petitioner shall be entitled to pay normal licence fee to the respondents till the date of vacation of the same on June 3, 2019.

This order has been passed in the peculiar facts of this case and shall not be treated as precedent.

In view of above the application as well as the writ petition stand disposed of.

The date already fixed, i.e., July 16, 2019 stands cancelled.

V. KAMESWAR RAO, J

JULY 03, 2019/jg