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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 4943/2020**

OM PRAKASH

.....Petitioner

Through: Mr Rajeev Saxena, Mr R.K. Bedi and
Mr Manish Khurana Advocates.

versus

DELHI DEVELOPMENT AUTHORITY & ANR. Respondents
Through: Mr Dhanesh Relan, Standing Counsel
for DDA.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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10.08.2020

The hearing was conducted through video conferencing.
CM APPLs 17860 and 17862 of 2020 (Exemption)

1. Allowed, subject to all just exceptions.
2. The applications stand disposed off.

CM APPL 17861/2020 (Court fee)

3. Exemption allowed, subject to the condition that the applicant/petitioner will file the duly sworn/attested affidavit and the requisite Court fee within 72 hours from the date of resumption of the regular functioning of this Court.
4. The application stands disposed-off.

W.P.(C) 4943/2020 & CM APPL 17859/2020 (Court fee)

5. Issue notice.
6. The learned Standing Counsel named above accepts notice on behalf of the respondent/DDA.
7. At joint request of the learned counsels for the parties, the petition is taken up for disposal.

8. It is the petitioner's case that an eviction order dated 03.07.2020 in PPA Nos. 11-12-13-14-15-16-17-18/2016, has been passed by the learned Tribunal apropos property no.3400, Ranjeet Nagar Site No. 1, South Patel Nagar, New Delhi, admeasuring 845 sq. yds, in which the petitioner-Om Prakash Singh is shown as an unauthorised occupant. A notice dated 11.07.2016 was addressed to one Mr. Rakesh, r/o 3400, Ranjeet Nagar, New Delhi.
9. The learned counsel for the petitioner, submits that the petitioner was informed by neighbours about the aforesaid notice bearing his name but showing his address as 3400, Ranjeet Nagar. It is the petitioner's contention that he has nothing to do with the property no.3400 admeasuring 845 sq. yds., therefore the entire proceedings are misdirected apropos him. He claims to be the owner of property bearing number 3352, admeasuring 55 sq. yds., alongwith construction thereon forming part of Khasra No. 409/400/7/1, Abadi Ranjeet Nagar, Village Shadipur, New Delhi-110008, by way of a registered sale deed. He claims that this property is on the opposite side of the road and distant from property number 3400 Ranjeet Nagar Site No. 1, South Patel Nagar, New Delhi. The petitioner claims to have responded to the said notice, as a matter of caution, and he had adduced documents showing a chain of rights, flowing to him in property number 3352. The learned counsel for the petitioner states, upon instructions, that the petitioner is not residing in any part of property no.3400 Ranjeet Nagar Site No. 1, South Patel Nagar, New Delhi.
10. That being the position, the orders passed apropos the property

no.3400, Ranjeet Nagar, South Patel Nagar, New Delhi, would not be applicable to the petitioner and the Estate Officer, DDA, would be free to take action in terms of the eviction order regarding property no.3400, which is stated to be on the opposite of the road from the petitioner property bearing no.3352. So, the petitioner need not have any apprehension of his being dispossessed from property no.3352 as that is not a part of property no.3400.

- 11.The writ petition, alongwith pending application, is disposed-off in the above terms.
- 12.The order be uploaded on the website forthwith. Copy of the order be also forwarded to the counsels through email.

NAJMI WAZIRI, J

AUGUST 10, 2020/rd