

\$~6

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

+ **W.P.(C) 5836/2020**

MRS. G ALAVADHI

..... Petitioner

Through: Mr. Sunil Dalal and Mr. Jaspreet
Singh Chawla, Advocate

versus

**SHIVAJI CO-OPERATIVE GROUP HOUSING SOCIETY LTD &
ANR.**

..... Respondents

Through: Mr. Madhu Sudan Bhayana,
Advocate for R-2.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

%

31.08.2020

HEARD THROUGH VIDEO CONFERENCING

C.M. No. 21102/2020 (exemption)

Allowed, subject to all just exceptions.

W.P.(C) 5836/2020 & C.M. No. 21101/2020 (stay)

1. The present petition has been filed by the petitioner praying *inter alia* for issuing directions to the respondents to state compliance of the order dated 03.11.2008, passed in W.P.(C) No. 2338-53/2005 and the order dated 28.7.2010, passed in R.P. No. 14764/2008. The petitioner also seeks directions that she should not be dispossessed from the flat allocated to her and the notice dated 04.3.2020 issued to her calling upon her to vacate the subject flat, be quashed.

2. We are of the opinion that the present petition is misconceived and a clandestine attempt to reagitate settled issues. The entire relief prayed for by the petitioner at prayers (A) and (B) are nothing but an attempt to overcome the notice dated 04.3.2020 issued by the respondents to the petitioner calling upon her to vacate the flat under her occupation, which is the result of the Supreme Court having upheld the judgment dated 03.11.2008, passed by the Division Bench of this court in W.P.(C) 4338-53/2008 and the order dated 28.7.2010 passed in R.P.No. 14764/2008, both of which were tested and upheld by the Supreme Court vide order dated 03.5.2018.

3. It is also noteworthy that three other petitions were filed by persons similarly situated as the petitioner in the year 2018, registered as W.P.(C) Nos. 7057/2018, 6355/2018 and 6053/2018 wherein, an attempt was made to initiate a second round of litigation after dismissal of SLP No.12168-12170/2011 by the Supreme Court on 03.5.2018.

4. By a detailed order passed by the coordinate Bench on 10.07.2018, it was observed that the writ petitioners were making an attempt to stall implementation of the orders passed by the court in the year 2008 and 2010 and after the said orders had been duly affirmed and upheld by the Supreme Court by the decision dated 03.5.2018. It was further directed that the Administrator must ensure compliances of the orders passed by the High Court on 03.11.2008, as modified vide order dated 28.7.2010 and the Eviction Notice issued to them, if not complied with, should be complied with within 21 days from the date of passing of the said order, failing which coercive action must be taken against the petitioners in accordance with law. The said Eviction Notices were addressed to 22 persons including the petitioner herein. It is in compliance of the aforesaid orders that the Eviction

Notice dated 04.3.2020 has been issued to the petitioner herein.

5. Now, under the garb of seeking information relating to the details of the compliance of the orders dated 03.11.2008 and 28.7.2008 passed in W.P.(C) No. 2338-53/2005, the petitioner actually seeks to stall the Eviction notice, which is impermissible. In our opinion, the present petition is a gross abuse of the process of the law and ought to be nipped in the bud. Accordingly, the present petition is dismissed in *limine* as meritless along with the pending applications while cautioning the petitioner that any attempt made by her to circumvent orders passed by the court referred to hereinabove and attained finality will be viewed seriously.

HIMA KOHLI, J

SUBRAMONIUM PRASAD, J

AUGUST 31, 2020

ap/rkb