

\$~28

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

Date of decision: 7th April, 2021

+ **W.P.(C) 3927/2021**

SMT. KALAWATI Petitioner

Through: Mr. C.M.Grover, Advocate
(M: 9654624323)

versus

THE STATE OF NCT OF DELHI & ORS. Respondents

Through: Mr. Premeagar Pal for Mr. Rishikesh
Kumar, ASC

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **07.04.2021**

Prathiba M. Singh, J.(Oral)

1. This hearing has been done through hybrid mode (physical and virtual hearing).
2. The present petition has been filed by the Petitioner seeking execution/enforcement of the order dated 11th February, 2021 passed by the Id. District Magistrate, North East, Delhi in Eviction Petition ***No.F.PA/DC/NE/58-A/2020/6535-6544*** titled ***Smt. Kalawati Vs. Sunil Kumar & Ors.***
3. The brief background is that the Petitioner had filed an eviction petition before the Senior Citizen Welfare & Maintenance Tribunal, Nand Nagri, Delhi, against her son Mr. Sunil Kumar and his family. On 6th July, 2020, an order was passed by the said Tribunal, in favour of the Petitioner directing the said occupants/ Mr. Sunil Kumar and his family, to vacate the property within a period of 30 days. However, the said order was not executed. The occupants then challenged the eviction order by way of Civil

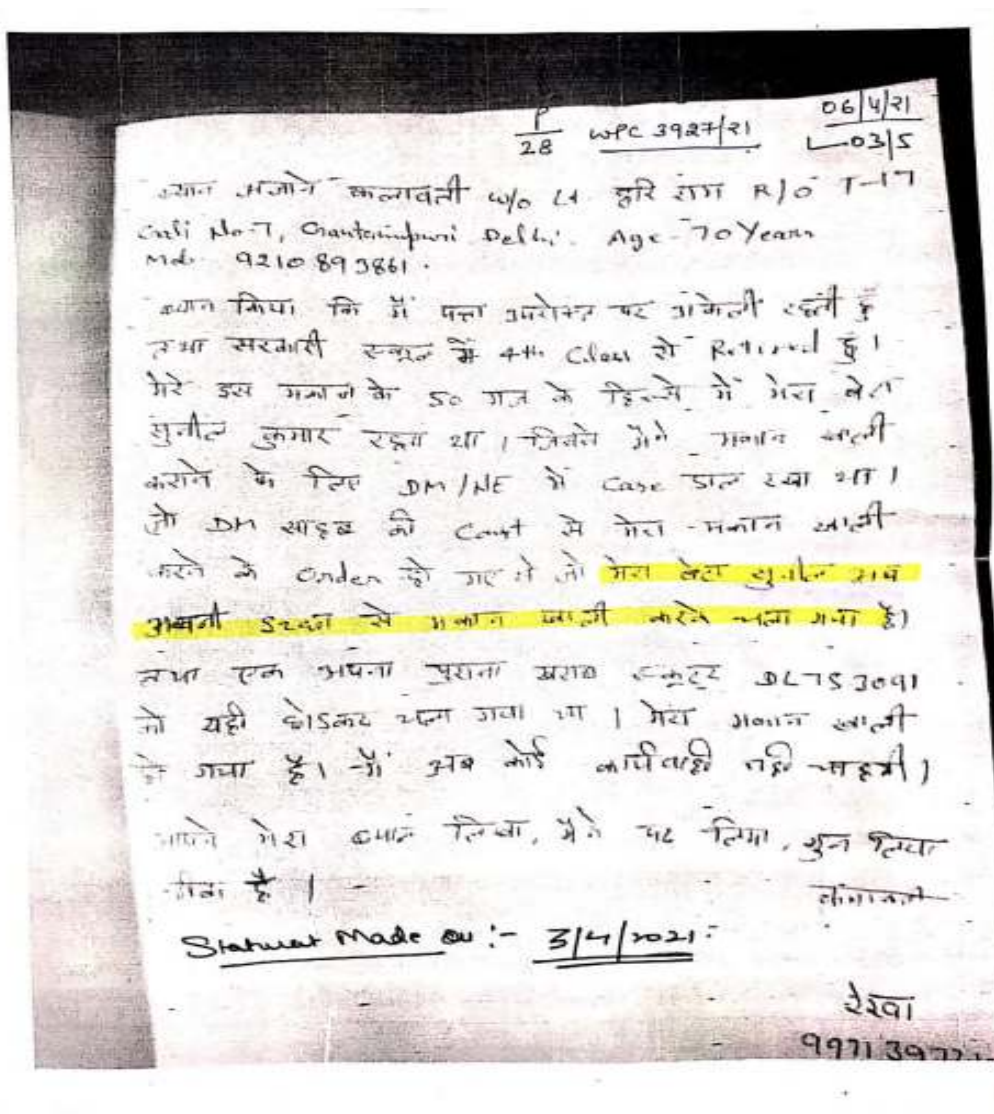
Writ Petition bearing **WP(C) 5297/2020** titled **Smt. Kalawati v. State of NCT of Delhi and ors.** The said writ petition was disposed of on 4th September, 2020, directing the appellate authority to decide the appeal against the order dated 6th July 2020, passed by the tribunal, as expeditiously as possible.

4. The appeal filed by Mr. Sunil Kumar and his family before the appellate authority i.e. the Divisional Commissioner, was thereafter heard and the matter was remanded back to the District Magistrate (NE) to be decided afresh, vide order dated 6th October, 2020.

5. Vide the impugned order dated, 11th February, 2021, the District Magistrate (NE) examined the matter afresh, and an eviction order has been passed in favour of the Petitioner directing the Respondents in this petition to vacate the property within a period of 30 days.

6. The grievance of the Petitioner now is that despite the eviction order having been passed, the local police including the SHO, Seelampur are not executing the said order. In fact according to Mr. Grover, Id. counsel for the Petitioner, a letter dated 6th April, 2021, is being sought from the Petitioner to the following effect:

नस्यमेव जयते



7. According to Mr. Grover, Id. counsel, this is completely contrary to law inasmuch as the SHO has an obligation to enforce and give effect to the order passed by the Id. District Magistrate (NE). Therefore, he prays that a direction be issued to the Respondent State, to ensure implementation of the said order dated 11th February 2021.

8. On behalf of the Delhi Police, Mr. Prem Sagar Pal, Id. counsel, appears and submits that he will file a status report in the matter

9. A perusal of the above letter which has been produced by the Petitioner shows that the Respondents in the eviction petition have already vacated the suit property and it is for unknown reasons that the execution of the order is not taking place. The allegations being made by the Petitioner counsel that the police is mixed up with the Respondents in the eviction petition is not being gone into at this stage. Suffice it to say that the SHO of the concerned area, shall now ensure that the order dated 11th February, 2021 is fully given effect to, without insisting on any letter being signed by the Petitioner.

10. Let physical possession of the said property bearing H.No. T-17, Gali No.7, Gautampuri, Delhi-110053, be handed over to the Petitioner, without insisting upon any letter being signed by the Petitioner.

11. Even though the Respondents in the eviction petition are stated to have vacated the property, some of the belongings of the Respondents may still be in the property. Hence, when the physical possession of the said property is being handed over to the Petitioner, the Respondents in the eviction petition shall be permitted to remove their belongings from the property.

12. The counsel for the Respondent- Delhi Police, shall ensure that the order is executed within a period of 48 hours, i.e. on or before 10th April, 2021. A compliance report to this effect, shall be filed by the SHO of the concerned area before the next date of hearing.

13. The petition is disposed of. List for reporting compliance on 3rd May, 2021.

14. Copy of this order be also sent to the Standing Counsel (Criminal), GNCTD to ensure that whenever eviction orders are passed and the same

have not been either set aside or stayed by a superior authority, the said orders are given effect and enforced by the SHOs of the concerned area in a timely manner. Copy of this order be also circulated to the Commissioner, Delhi Police.

PRATHIBA M. SINGH
JUDGE

APRIL 7, 2021

mw/Ak

