

\$~18(Appellate Side)

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 310/2022, CM APPL. 16798/2022 & CM APPL.
16800/2022
PUSHPLATA SHARMA Petitioner

Through: Mr. Parikshit Mahipal, Adv.

versus

THE ESTATE OFFICER PUBLIC WORK DEPARTMENT
..... Respondent
Through: Mr. Manish Batra. Adv.

CORAM:
HON'BLE MR. JUSTICE C.HARI SHANKAR

J U D G E M E N T (O R A L)

% **27.04.2022**

1. By order dated 07th April, 2021, the Estate Officer, Public Works Department, GNCTD, held the petitioner to be an unauthorised occupant in respect of the premises located at Government Flat No. 1987, Type II, DA Flats, Sindhora Khurd, Delhi-110007. The petitioner appealed against the said decision before the learned Principal District and Sessions Judge (“the learned Pr DSJ”) *vide* PPA 02/2021, which was accompanied by an application for stay of operation of the eviction order.

2. The petitioner is aggrieved by the fact that, even without taking up the petitioner’s stay application on merits, and because of default in appearance on the part of the respondent, the learned Pr DSJ, has in his orders dated 28th January, 2022 and 04th March, 2022, expressed a view that the petitioner was liable to be evicted from the aforesaid

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premises.

3. Clearly, while the petitioner's stay application was pending, it was not proper for the learned Pr DSJ to express such a view, especially because the petitioner had been present before the learned Pr DSJ on both the aforesaid dates and the default in representation was on the part of the respondent.

4. Learned Counsel for the respondent is fairly agreeable to this petition being disposed of with a direction to the learned Pr DSJ to take a decision on the stay application filed by the petitioner within a time bound frame on the next date when the matter is listed before him and for continuance of the interim protection granted by this Court *vide* its order dated 04th April, 2022, till a decision is taken by the learned Pr DSJ on the stay application of the petitioner.

5. Accordingly, this petition is disposed of with a direction to the learned Pr DSJ to hear and decide the petitioner's stay application filed along with PPA 02/2021 (*Pushplata Sharma v. Estate Officer*), as expeditiously as possible and if possible on the very next date when the matter is listed, i.e. 06th May, 2022.

6. The interim protection granted by this Court *vide* its order dated 04th April, 2022, shall remain in operation and shall abide by the order to be passed by the learned Pr DSJ on the petitioner's stay application.

7. This petition stands disposed of in the aforesaid terms with no

orders as to costs.

C.HARI SHANKAR, J

APRIL 27, 2022
SS

