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

Date of Decision: 1st May, 2023

+ **W.P.(C) 3183/2023 and CM APPL. 12419/2023, 14808/2023, 21785/2023, 22271/2023**

PANKAJ AGGARWAL

..... Petitioner

Through: Mr. Sanjeev Sagar with Mr. Vikas Nagwan, Advocates.

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Mr. Vineet Dhanda, CGSC with Mr. Shubham Prasad, GP, Mr Hussain Taqvi & Ms Gurleen Kaur, Advocates for UOI.

Mr. Satya Narayan Vashishth, Advocate for R-2 to 4. (M-9810224033)

CORAM:

JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J.(Oral)

1. This hearing has been done through hybrid mode.
2. The present petition challenges the order dated 10th March 2023 passed by Department of Personnel and Training ('DoPT'), wherein the Petitioner has been directed to vacate the unauthorized occupation of the premises of the Central Secretariat Club.
3. On 20th March 2023, Ld. counsel for the Petitioner had submitted that they had filed an application for seeking rights under adverse possession in respect of the premises concerned in the writ petition. The said application was to be brought on record. It was also submitted that the Petitioner wished to withdraw the present petition. Considering the nature of the matter, the Court had directed for the application to come on record.

4. In the application **CM APPL. 14808/2023**, a number of documents had been filed to claim long and uninterrupted possession. The said application was listed on 27th March 2023 for the first time. In the meantime, the Petitioner has played hide and seek with this Court.

5. The Petitioner had filed a suit before the Civil Judge being **CS SCJ-324/2023** titled '**Pankaj Aggarwal v. Central Secretariat Club**' which was not disclosed to this Court during the hearing on 20th March, 2023.

6. In the said suit, an interim order has been passed dated 22nd March 2023 by the Id. Civil Judge despite the Civil Judge having been informed of the fact that the Petitioner and his pleas are already being considered in this writ petition. Vide the said order, the Respondent-Union of India was restrained from dispossessing the Petitioner from the said premises of the Central Secretariat Club.

7. Vide order dated 27th March 2023, this Court directed as follows:

"9. Clearly, the Petitioner is abusing the process of this Court as also of the Civil Court and has, upon not obtaining an interim order before this Court, tried to overreach this court by filing a civil suit.

10. Under these circumstances, it is directed that the electronic records of the civil suit SCJ 324/2023 be called before this Court for the next date of hearing.

11. In addition, bailable warrants be issued through the SHO PS, North Avenue against the Petitioner-Mr. Pankaj Aggarwal for Rs.25,000/- to ensure the presence of the Petitioner on the next date before this Court. In addition notice is also issued as to why contempt action should not be initiated."

8. Today, the Petitioner - Mr. Pankaj Aggarwal is present in Court. The Petitioner's statement has been recorded. The same has been extracted

below:

“Statement of Mr. Pankaj Aggarwal, S/o, Mr. Madan Lal, Age: 49 years, R/o, G-10, F/F, Green Park Main, Hauz Khas, South Delhi-110016

On S.A.

I am in possession of 300 sq. meters area in the Central Secretariat Club. This was allotted for catering and canteen work in the Central Secretariat Club.

I am currently in the business of construction and contractual work. I run my business from this premises. I am presently using the said space for office and for storing construction and paint material.

I am currently not paying any monthly amount to the Central Secretariat Club. I am only paying electricity and water charges. I am currently not paying any money to any authority or entity for occupying this premises.

I pay Income Tax. The name of my firm is Victoria Infotech Projects Pvt. Ltd. The annual turnover of my company is approximately Rs. 40 lakhs. I am also a partner in Midas Construction Tools.

I undertake to vacate the premises of the Central Secretariat Club by 30th May, 2023.”

9. From the said statement, it is clear that the Petitioner is currently using the said premises concerned for storing construction material.

10. Further, the Petitioner is also no longer using the said premises for canteen facilities, in terms of the original permission which was granted by the Central Secretariat Club. He is also a person of sufficient means, as is evident from turnover figures of the Petitioner’s company i.e. Victoria

Infratech Projects Pvt. Ltd. and he is clearly not paying anything to the Central Secretariat Club for continuing occupation of the said premises.

11. Moreover, despite making a statement in this Court that no other petition has been filed before any Court of law, the Petitioner has also preferred a civil suit bearing **CS SCJ-324/2023** titled '**Pankaj Aggarwal v. Central Secretariat Club and Ors**'. Para 13 of the petition is set out below:

"13. That no other similar petition based on similar facts has been preferred by the Petitioner before this Hon'ble Court or any other Court of Law against the Respondents."

12. Parallely, as has been revealed, going against the said statement and the declaration made in the petition, the Petitioner has filed the above civil suit while the present petition was pending, and attempted to overreach the Court and obtained an interim order from the Civil Judge in the said civil suit on 22nd March, 2023.

13. At this stage, the statement of the Petitioner is recorded wherein the Petitioner states that he is willing to vacate the premises within a period of one month. Accordingly, recording the Petitioner's undertaking that he would vacate the said premises by 30th May, 2023, no action is being taken against the Petitioner.

14. It is however made clear that, if the peaceful possession is not handed over to the Central Secretariat Club, action in accordance with law would be liable to be taken against the Petitioner.

15. In case the Petitioner does not vacate the premises by 30th May, 2023, SHO PS, North Avenue shall extend cooperation to the Respondents- Union of India for getting the said premises vacated. The Respondent- Union of

India is free to seek revival of the present writ petition, if the above directions are not complied with.

16. Petition is disposed of in these terms. All pending applications are also disposed of.

PRATHIBA M. SINGH
JUDGE

MAY 1, 2023

Rahul/dn

