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

+ **W.P.(C) 867/2024**

DELHI MSW SOLUTIONS LIMITED

..... Petitioner

Through: Mr Sanjeev Sindhwani, Sr. Adv. with
Mr Gyanendra Kumar, Ms Anuradha
Mukherjee, Ms Shree Sinha and Mr
Dwijesh Kapila, Advs.

versus

**ESTATE OFFICER MUNICIPAL CORPORATION OF DELHI &
ANR.**

..... Respondents

Through: Dr. Menaka Guruswamy, Sr. Adv.
with Mr Sanjay Vashishtha, standing
counsel (MCD), Mr Vishal Kumar,
Mr Utkarsh Pratap, Mr Harshwardhan
Thakur and Mr Lavkesh Bhambani,
Advs.

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

19.01.2024

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[Physical Hearing/Hybrid Hearing (as per request)]

CM APPL. 3636/2024 (exemption)

1. Allowed, subject to just exceptions.

W.P.(C) 867/2024 & CM APPL. 3635/2024 (stay)

2. Heard. The petitioner has assailed orders dated 16.01.2024, 12.12.2023 and 16.12.2023 of the Estate Officer passed in the course of proceedings under Sections 5 & 7 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (the "Act"). After part arguments, learned senior counsel for petitioner, on instructions, submits that challenge to orders dated 12.12.2023 and 16.12.2023 is not pressed by the petitioner and the same shall be taken up at appropriate stage, if required. Of course, it



would be for the concerned court or forum to deliberate upon acceptability of these challenges at the stage the same are raised.

2. As regards order dated 16.01.2024, whereby right of the petitioner to lead evidence was closed by the Estate Officer, without prejudice to the rival contentions, both sides in the interest of expeditious disposal of the main proceedings have agreed that the petitioners can be granted one and only one opportunity to conclude their entire evidence before the Estate Officer subject to appropriate terms.

3. Without commenting on merits or demerits of the case set up by both sides, the present writ petition is allowed and the impugned order dated 16.01.2024 is set aside subject to following directions. Both sides shall appear before the Estate Officer on 31.01.2024 as already fixed and on that day, the Estate Officer shall fix a date for recording the entire remaining evidence of the present petitioner and on the date as fixed by the Estate Officer, all witnesses of the petitioner shall remain present before the Estate Officer. No adjournment shall be allowed to the petitioner on the date so to be fixed by the Estate Officer and in case, the witnesses of petitioner do not appear on that date, evidence shall be closed. For this opportunity, petitioner shall pay cost of Rs.15,000/- to the respondent no.2/MCD on 31.01.2024.

4. At request of learned senior counsel for petitioner, it is clarified that nothing in this order shall stand in the way of any court or forum for adjudication in accordance with law.

5. Accordingly, the writ petition and the application stand disposed of.

GIRISH KATHPALIA, J

JANUARY 19, 2024/R.Y

[Click here to check corrigendum, if any](#)