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

+ LPA 362/2024
MOHD. YASIN

..... Appellant

Through: Mr.Ali Wambar Zaidi &
Mr.N.D.Pancholi, Advs. along with the appellant
in person.

versus

ST. STEPHENS COLLEGE

..... Respondent

Through: Mr.Romy Chacko & Mr.Sachin Singh
Dalal, Advs.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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07.05.2024

CM APPL. 26908/2024

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

**LPA 362/2024, CM APPL. 26906/2024 (delay of 43 days) & CM
APPL.26907/2024 (stay)**

3. The present appeal under Clause X of the Letters Patent seeks to assail the order dated 31.01.2024 passed by the learned Single Judge in W.P.(C) 4839/2013. Vide the impugned order, the learned Single Judge has dismissed the appellant's application seeking revival of the writ petition, which petition was disposed of on 23.05.2023 after recording the undertaking of the appellant that he, upon being allotted residential quarter no.D-25 in the respondent/college, would vacate residential quarter no.P-2, which quarter he has been occupying for the last many years.



4. It may be noted that while disposing of the writ petition on 23.05.2023, this Court had observed that in case, quarter no.D-25 was not found to be habitable, it would be open for the appellant herein to seek revival of the writ petition. It is in these circumstances, that the appellant had moved the application being CM APPL. 61492/2023 seeking revival of the writ petition with a grievance that the quarter was not habitable.
5. Upon a perusal of the impugned order, we find that the learned Single Judge has, after considering the matter at length including the respondent's categorical stand that similar residential quarters were being occupied by other employees without any demur, dismissed the application filed by the appellant. Being aggrieved the present appeal has been filed.
6. After some arguments, learned counsel for the appellant, on instructions from the appellant who is present in Court, submits that the appellant will, within four weeks, unconditionally vacate the residential quarter no.P-2 as already undertaken by him on 23.05.2023 and shift to residential quarter no.D-25. He, however, prays that the appellant may be permitted to get the said residential quarter white-washed at his own cost.
7. Learned counsel for the respondent fairly submits that the respondent/college will have no objection to the residential quarter no.D-25 being white-washed at the cost of the appellant.
8. In the light of the aforesaid, the appeal along with pending applications is dismissed by granting four weeks time to the appellant to vacate quarter no.P-2 and shift to quarter no.D-25. It is further



directed that the appellant will be free to get the quarter no.D-25 white-washed at his own expense.

REKHA PALLI, J

SAURABH BANERJEE, J

MAY 7, 2024/kk