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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 10900/2022, CM APPL. 31724/2022, CM APPL.
17675/2023 & CM APPL. 42967/2024
YASH KUMARPetitioner

Through: Mr. Prateek Mehta, Mr. Kshitij
Vaibhav, Advocates

versus

DIVISIONAL COMMISSIONER AND ANRRespondents
Through: Mr. Karn Bhardwaj, ASC for
GNCTD with Mr. Shubham Singh,
Mr. Rajat Gaba, Mr. Saurabh Dahiya,
Advocates for R-1
Mr. Vineet Dhanda, CGSC for R-2
with Mr. Vikas Kumar, Advocate for
R-2

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
12.11.2024

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1. The present petition impugns order dated 22nd June, 2022,¹ passed by the Divisional Commissioner whereby the appeal filed by Respondent No. 2 against the order of the District Magistrate (Shahdara) dated 3rd August, 2021, was allowed and the Petitioner was directed to evict the property bearing No. WS-11, Gali no. 1, Sudamapuri, Babarpur, Shahdara, Delhi 110032.
2. Counsel for the Petitioner states that the Petitioner has handed over

¹ "the impugned order"



the possession of the said property under judgment dated 30th May, 2016 passed by Senior Civil Judge, Shahdara, Karkardooma Court, Delhi in Civil Suit No. 9078/2016. The Petitioner contends that notwithstanding the surrender of the possession under the orders of the Civil Court, the Petitioner is entitled to seek setting aside of the impugned order passed by the Divisional Commissioner.

3. It is also pointed out that the afore-noted order of the Civil Court was assailed in first appeal unsuccessfully and consequently, a second appeal has been filed which is pending consideration.

4. In the opinion of the Court, the present petition is rendered infructuous as the subject property has been vacated albeit under orders of the Civil Court. Hence, no tangible relief can be granted to the Petitioner in the present proceedings, even if they were to succeed in the present proceedings.

5. Accordingly, the present petition, along with pending applications, is dismissed.

SANJEEV NARULA, J

NOVEMBER 12, 2024/ab