



\$~141

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

+ LPA 723/2024 & C.M.Nos.43445-43447/2024

HARISH BAJAJ

.....Appellant

Through: Ms.Aditi Gupta, Advocate with
appellant in person.

versus

DIVISIONAL COMMISSIONER & ORS.

.....Respondents

Through: Ms.Hetu Arora Sethi, ASC for
GNCTD.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

01.08.2024

%

1. Present appeal has been filed challenging the judgment dated 02nd July, 2024 passed by the learned Single Judge in W.P.(C) 5079/2024, whereby the petition was disposed of on the ground that the order impugned therein had been the subject of challenge in an earlier petition bearing no. W.P.(C) No.3388/2024, which was also disposed of vide order dated 06th March, 2024.

2. Learned counsel for the Appellant states that the Appellant had contributed towards the construction of the subject property and has been staying there since 1991 with his family and is paying electricity and water bills for the property. She states that despite maintaining the Respondent No.4 (the mother of the Appellant), for all these years, Respondent No.4 proceeded to file an eviction case against the Appellant before the Respondent No.2 and obtained an eviction order dated 13th September, 2022, ("Eviction Order"), against which the Appellant has filed an appeal before the Respondent No.1 and the same is presently pending adjudication.



3. She submits that the learned Single Judge while passing the impugned order has ignored the fact that the previous writ petition was dismissed as withdrawn with liberty granted to approach this Court if the need arises, and the appellant had, in a *bona fide* manner, approached the learned Single Judge owing to the order dated 02nd April, 2024 passed by the Respondent No. 2, to ensure compliance of the Eviction Order.

4. She further states that vide order dated 06th March, 2024, the learned Single Judge had requested that the appeal before the Respondent No.1 be disposed of expeditiously within 6 (six) months, however, the same is still pending adjudication.

5. Having perused the paper book, this Court finds that the learned Single Judge has correctly held that the order dated 22nd November, 2022 passed by the Respondent No.1 (herein) was subject of challenge in prior Writ Petition bearing W.P.(C) No. 3388/2024 and the same was dismissed vide order dated 06th March, 2024 as withdrawn. It is trite law that the order against which a writ petition has been dismissed cannot repeatedly be the subject of challenge.

6. Accordingly, the present appeal along with the applications is dismissed with a direction to Respondent No.1 to decide the appeal in accordance with law as expeditiously as possible preferably on the next date of hearing itself. The rights and contentions of all the parties are left open.

7. However, keeping in view the close relationship between the parties, the costs of Rs.25,000/- imposed by the learned Single Judge is reduced to Rs.5000/-.

ACTING CHIEF JUSTICE

TUSHAR RAO GEDELA, J

AUGUST 1, 2024/KA