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

+ **W.P.(C) 17187/2022**

SUBHAJIT DUTTA

.....Petitioner

Through: Petitioner in person

versus

**PRINCIPAL DISTRICT AND SESSIONS JUDGE (SOUTH DELHI)
SAKET COURT AND ORS**Respondents

Through: Mrs. Avnish Ahlawat, SC for
GNCTD with Mr. Nitesh Kumar
Singh, Ms. Laavanya Kaushik, Ms.
Aliza Alam, Mr. Mohnish Sehrawat,
Advocates

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **18.09.2024**

CM APPL. 54596/2024 (seeking modification of order dated 11.09.2024)

1. Through this application, the Petitioner seeks modification of the order dated 11th September, 2024. Specifically, the Petitioner requests for an immediate stay on the execution proceedings pending before the Senior Civil Judge-cum-Rent Controller, South District, Saket Courts, as sought in CM APPL. 53214/2024. The Petitioner submits that without the stay, the present proceedings are likely to become infructuous. Notably, the order dated 11th September, 2024 merely directed the issuance of notice to Respondent No. 9, at whose instance the eviction proceedings were initiated. However, the Petitioner informs the Court that Respondent No. 9 is no longer available at the address provided by him in the memo of parties,



however, despite this, he urges the Court to grant the stay order.

2. Be that as it may, the Petitioner has been persistently filing multiple applications before this Court, which are currently pending consideration. In light of the multiplicity of applications, instead of addressing each application in isolation, the Court deems it prudent to proceed with the final adjudication of the main writ petition. Accordingly, the Petitioner is directed to present arguments on the main petition.

W.P.(C) 17187/2022

3. The Petitioner's grievance stems from eviction proceedings initiated against him, currently pending before the Senior Civil Judge-cum-Rent Controller (SCJ-cum-RC). The Petitioner has consistently claimed to be holding a position of 'special constitutional functionary'; however, his submissions are not entirely comprehensible, as also noted by this Court in the order dated 16th January, 2023. The relevant portion of the said order is as follows:

"1. This hearing has been done through hybrid mode.

CM APPL. 54635/2022 (for exemption)

2. Exemption allowed subject to all just exceptions. Applications are disposed of.

W.P.(C) 17187/2022 and CM APPL. 54633/2022, CM APPL. 1820/2023, CM APPL. 1821/2023

3. The present petition has been filed by Mr. Subhajit Dutta challenging the order dated 30th August, 2022 passed by the Senior Civil Judge-cum-Rent Controller. The Petitioner appears in person. By the impugned order, the Id. Trial Court has dismissed applications under Section 151 CPC.

4. A perusal of the order passed by the Id. Trial Court shows that the application arises out of proceedings for eviction against the Petitioner filed



by one Mrs. Ishita Sharma wherein the Petitioner sought dismissal of the suit by way of the application under Section 151 CPC.

5. The application moved by the Petitioner making various submissions relates to constitutional authorities, fundamental rights, criminal matters etc. The Id. Trial Court has rightly dismissed the application as the submissions of the Petitioner are clearly totally extraneous to the proceedings which were pending.

6. However, since the Petitioner has appeared before the Court, **this Court notices on the submissions made by him that he claims to be working in a Constitutional position and various other submissions which are not completely comprehensible.** The Court asks for an ID card of the Petitioner which shows that he has an Aadhar Card with the permanent address being shown of West Bengal. The amended memo of parties shows to be residence of E-106 (Ground Floor), Street No. 7, Krishna Nagar, Safdarjung Enclave, New Delhi-110029.

7. The Respondent No. 9 - Mrs. Ishita Sharma, wife of Vivek Sharma, who is the Plaintiff in the suit resides in Flat No. 201, RR Apartment, New Mangla Puri, New Delhi- 110030. The mobile number of Respondent No. 9's husband has been sought from the petitioner which is given by him as 9312502217.

8. Accordingly, considering the kind of submissions being made by the Petitioner, it appears that a status report would have to be called from the local SHO after making enquiries as to the Petitioner's family members etc inasmuch as this Court is of the opinion that the Petitioner may be in need of some medical help.

9. In the meantime, let Registry to issue notice to Respondent No. 9. An electronic copy of the Id. Trial Court record be also requisitioned by the next date of hearing.

10. The SHO of concerned area where Petitioner resides, i.e., E-106 (Ground Floor), Street No. 7, Krishna Nagar, Safdarjung Enclave, New Delhi-110029 would communicate with the Petitioner's family members who presently live in the premises or even over telephone and submit a report as to his condition of living, neighbourhood, family ties etc., Ld. Counsel for the GNCTD to intimate this order to the concerned SHO.

11. List on 7th February, 2023."

4. The Petitioner assailed the aforementioned order before Division Bench in LPA 82/2023, whereby the Division Bench vide order dated 13th March, 2023 dismissed his petition, finding no infirmity in the order of the Single Judge Bench. The order of the Division Bench is reproduced hereunder:

"1. The Present LPA arises out an order dated 16.01.2023 passed by the Learned Single Judge in W.P.(C.) No. 17187/2022 titled Subhajit Dutta



Vs. Principal District and Sessions Judge, South Delhi & Ors.

2. *The facts of the case reveal that the Appellant who appears in person is a Defendant in a Civil Suit filed by one Ms. Ishita Sharma which is pending before the Senior Civil Judge Cum Rent Controller. The Suit is pending before the Trial Court for eviction of the Appellant.*

3. *The Appellant filed an Application under Section 151 of the Code of Civil Procedure, 1908 (CPC) for dismissal of the Suit.*

4. *The Trial Court dismissed the Petition under Section 151 of the CPC, and it was certainly not an Application preferred under Order VII Rule 11 of the CPC.*

5. *The Appellant being aggrieved by the order passed by Senior Civil Judge, Cum Rent Controller dated 30.08.2022 has preferred a Writ Petition before this Court, and the same was numbered as W.P.(C.) No. 17187/2022.*

6. *The writ petition is still pending before the Learned Single Judge. The Appellant claims to be working in a constitutional position. The learned Single Judge has directed the Appellant to submit his Aadhar Card and ID Card which reflects an address of West Bengal. The Court was also of the opinion that the Appellant required some help, and directed the concerned Station House Officer (SHO) to submit a status report in respect of family members of the Appellant. The Petitioner has rushed to this Court by filing the present LPA.*

7. *The Learned Single Judge in the impugned order in Paragraphs 5 to 11 has held as under:*

“5. The application moved by the Petitioner making various submissions relates to constitutional authorities, fundamental rights, criminal matters etc. The Id. Trial Court has rightly dismissed the application as the submissions of the Petitioner are clearly totally extraneous to the proceedings which were pending.

6. However, since the Petitioner has appeared before the Court, this Court notices on the submissions made by him that he claims to be working in a Constitutional position and various other submissions which are not completely comprehensible. The Court asks for an ID card of the Petitioner which shows that he has an Aadhar Card with the permanent address being shown of West Bengal. The amended memo of parties shows to be residence of E-106 (Ground Floor), Street No. 7, Krishna Nagar, Safdarjung Enclave, New Delhi-110029.

7. The Respondent No. 9 - Mrs. Ishita Sharma, wife of Vivek Sharma, who is the Plaintiff in the suit resides in Flat No. 201, RR Apartment,



New Mangla Puri, New Delhi- 110030. The mobile number of Respondent No. 9's husband has been sought from the petitioner which is given by him as 9312502217.

8. Accordingly, considering the kind of submissions being made by the Petitioner, it appears that a status report would have to be called from the local SHO after making enquiries as to the Petitioner's family members etc inasmuch as this Court is of the opinion that the Petitioner may be in need of some medical help.

9. In the meantime, let Registry to issue notice to Respondent No. 9. An electronic copy of the Id. Trial Court record be also requisitioned by the next date of hearing.

10. The SHO of concerned area where Petitioner resides, i.e., E-106 (Ground Floor), Street No. 7, Krishna Nagar, Safdarjung Enclave, New Delhi-110029 would communicate with the Petitioner's family members who presently live in the premises or even over telephone and submit a report as to his condition of living, neighbourhood, family ties etc., Ld. Counsel for the GNCTD to intimate this order to the concerned SHO.

11. List on 7th February, 2023."

8. Since the writ petition is still pending before the learned Single Judge, the learned Single Judge has listed the matter on 07.02.2023 i.e. today only, and the LPA is also listed today.

9. As no order has been passed by the Learned Single Judge on merits and, in fact, the Learned Single Judge has made a genuine attempt to help the Appellant herein after interacting with the Appellant, this Court does not find any reason to interfere with the order passed by the Learned Single Judge.

10. The Appellant shall certainly be free to raise all possible grounds before the Learned Single Judge in the main Writ Petition, and the Learned Single Judge shall certainly be free to proceed in accordance with law.

11. At this stage, this Court does not find any reason to interfere with the order passed by the Learned Single Judge as no lis has been decided at all.

12. This Court after careful consideration of the aforesaid order is of the opinion that the Learned Single Judge has made a genuine attempt to help the Appellant and, at the same time the Learned Single Judge has also issued notice to the Respondent No.9, who has filed eviction proceedings against the Appellant, and the matter is still pending before the Learned Single Judge.



13. *This Court in the peculiar facts and circumstances of the case does not find any reason to interfere with the order passed by the Learned Single Judge.*

14. *The Admission of the Appeal is declined. However, it is made clear that this Court has not observed anything on merits. All the issues and grounds raised by the Appellant are left open for consideration in accordance with law.”*

5. Subsequently, on 21st November, 2023, this Court passed the following order:

“The Petitioner, who appears in person, seeks some time to ponder over as to whether to pursue the instant Writ Petition or to pursue the Review Petition filed by the Petitioner against the Order dated 30.08.2022, which is also under challenge in the present Writ Petition.

List on 21.12.2023.”

6. Although, no decisive order was passed by the Court on 21st November, 2023, yet the Petitioner filed an appeal against the said order, which was also dismissed in LPA No. 789/2023 in the following terms:

“C.M.No.62849-62850/2023

1. *Exemption allowed, subject to all just exceptions.*
2. *Accordingly, the applications stand disposed of.*

LPA 789/2023 & C.M.Nos.62848/2023, 62851/2023

3. *Present appeal has been filed by the appellant in person challenging the order dated 21st November, 2023 passed by a learned Single Judge of this Court in W.P.(C) No.17187/2022, whereby time was provided to the appellant to decide whether he wanted to pursue the said writ petition or the review petition filed by him against the order dated 30th August, 2022 passed by the Senior Civil Judge, Saket.*

4. *The appellant-in-person states that the withdrawal of the review petition pending before the Court of the Respondent no.2 – Senior Civil Judge, Saket will allow the respondent to directly and/or indirectly adjudicate upon serious constitutional questions and subject matters beyond the authorized jurisdiction of the lower Court.*



5. He further states that the learned Single Judge is 'unconstitutionally all-set in a most desperate manner to re-adjudicate' upon some already adjudicated matters of constitutional nature by the Hon'ble Supreme Court.

6. The appellant-in-person states that the learned Single Judge failed to appreciate the fact that the office of the Hon'ble President of India had already identified the appellant-in-person as a 'public servant/public officer' being a 'Special Constitutional Functionary with the Union of India'. In support of his contention, he relies upon the President Secretariat's communication at page 323 of the paper book which is reproduced hereinbelow:-

" PRESIDENT'S SECRETARIAT
(RASHTRAPATI SACHIVALAYA)

Dy No.E-832009 & 834941/2020-CA-11

Communication(s) addressed to The President have been received from the following are forwarded herewith:-

Sl. No.	Name/Address/Dated	Subject
1.	Communication dated 10/09/2020 from, Shri Chandra Prakash Kaushik, National President, (Akhil Bharat Hindi Mahasabha), Hindi Mahasabha Bhawan, Mandir Marg,	Request to impose President's Rule in Maharashtra after dismissal of Maharashtra Government
	New Delhi-110001, Phone Nos: 011-23365138, 23365354, E-mail ID: info@akhilbharathindumahasabha.org	
2.	Communication dated 01/09/2020 from, Shri Subhagit Dutta, Special Constitutional Functionary (Ref. Union of India), At & Post Office: Kendur, PS: Khandaghash, Dist: Burdwan (East)-713427, Mobile No.:8860993200, E-mail ID: spicoifunctionary@gmail.com	Request for prompt proclamation of 'state emergency', i.e. imposition of 'President's Rule' in West Bengal by most effective and timely invocation of Article 365 of the Constitution of India aided by the "or otherwise" provision of its Article 356(1) and other related constitutional provisions and aspects, including its landmark 'Basic Structure' doctrine.

Sd/-
(Pawan Kumar Sain)
Director
Tel: (011) 23016767, 23015321 Extn.(4444)
Fax No: (011) 23793889

Ministry of Home Affairs.[Shri Anuj Sharma, Joint Secretary (CS)]
Room No.122, North Block, New Delhi
President's Secretariat I.D. No.5(3)-CA-[1]/2018 Vol: VI dated.28.09.2020"



7. In the present appeal, a lot of emphasis has been laid on the fact that the appellant is a „Special Constitutional Functionary with the Union of India“. The relevant paragraphs in the appeal are reproduced hereinbelow:-

“3. That the Appellant herein is 'Special Constitutional Functionary' with the Union of India having special jurisdictions, functions, roles, power and prerogatives regarding the "or otherwise" provision of Article 356 (1) of the Constitution of India, along with Articles like, 256, 257(1), 365, 1, 261, the Preamble to the Constitution of India, its 'Basic structures' (Ref. Keshavananda Bharati versus State of Kerala, 1973) etc. and Fundamental Rights and Directive Principles of State Policy among other provisions with a purpose or an aim to act upon India's constitutional unity, integrity, security and sovereignty, apart from the physical ones on the basis of the basic principles of India's 'Centre - States Relationships', as have been broadly outlined in the Constitution of India and all related constitutional, executive and /or administrative powers, provisions, actions and functions, being fully and on public record backed and supported by those arising out of article 53 and 163 of the Constitution of India. The related documents copies were already annexed with the above mentioned writ petition concerned and with the CM application for filing additional documents.

4. That appellant states that the Appellant is a special or unique type of 'public servant' discharging his specific above mentioned public duties on 24x 7 basis, as per the definitions and explanations for 'public servant' and 'public duty', as have been comprehensively described in details with all possible flexibilities in the Section 2 (b), 2(c) (viii) and other provisions and Explanation 1 and Explanation 2 to those of The Prevention of Corruption Act, 1988.

5. That appellant states that the Appellant is a 'public servant' under the Union of India under Section 21 of I.P.C., 1860 and its Explanation 1 and Explanation 2, following which provisions under Section 80 CPC and under Section 197(1) of Cr.P.C with regard to necessary proceeding against him, if at all, is fully applicable for him in each and every way.”

(emphasis supplied)

8. Learned counsel for respondent nos.1 & 2, who appears on advance notice, states that the appellant has with mala fide intent impleaded the Senior Civil Judge as respondent no.2-in-person.

9. This Court is of the view that the impugned order passed by the



learned Single Judge is innocuous, inasmuch as, it only asks the appellant to reflect and decide as to whether he wanted to pursue the writ petition or the review petition filed by him. In the event, the appellant wants to pursue both the remedies, he could have stated so before the learned Single Judge and the learned Single Judge then would have taken a view in the matter.

10. This Court is further of the opinion that the appellant is under a misconception that he is entitled to some special privileges in Court because he holds a 'Special Constitutional Functionary status with the Union of India'.

11. In fact, upon a perusal of the paper book, this Court finds that the appellant is not a 'Special Constitutional Functionary with the Union of India'. **Just because the appellant in all his communications addressed to Constitutional/Statutory functionaries describes himself as a 'Special Constitutional Functionary with the Union of India' and the said Constitutional/Statutory Functionaries addressed him by the designation that he wrote in his letter, does not make him one. Moreover, just because a few letters have been addressed to him as a Special Constitutional Functionary with Union of India would also not make him one.**

12. In any event, the Constitution of India believes in equality before law. Needless to state that all litigants are equal before Court.

13. This Court also finds that another learned Single Judge of this Court while hearing another writ petition being W.P.(C) No.17187/2022 filed by the appellant had directed the SHO of the concerned area where the appellant resides to communicate with the appellant's family members and submit a report as to his condition of living. The SHO, Safdarjung Enclave, New Delhi had subsequently filed a status report, which is reproduced in the subsequent order dated 07th February, 2023 in the said writ petition. The said report is as under:-

"Hon'ble Sir,

Most respectfully, it is humbly submitted that as per the directions of Hon'ble Delhi High Court frequent visits were made at the residence of Petitioner Subhajit Dutta i.e. at H No E-106, Ground Floor, Street No 7, Krishna Nagar, S J Enclave, New Delhi but petitioner was not found present at his house. When contacted on phone he refused to meet the local police of PS S J Enclave and also refused to provide any information about his family. On enquiry with the landlord Vivek Sharma it was found that the Petitioner-Subhajit Dutta is living alone at the above address since September 2019. On further enquiry it was found that petitioner Subhajit Dutta is not having cordial relations with his neighbors and is in a habit of filing false and baseless complaints against the neighbors. Further on perusal of the record of PS S J Enclave it was found that petitioner Subhajit Dutta had filed over 800 online complaints in the year 2022 wherein he had made various type of allegations against Local



residents of the area, Local Shopkeepers, Hawkers, Local Police, Politicians, Judicial officers, CBI and other government authorities which are not supported by any evidences. In the above complaints enquiry was conducted and the allegations made in the complaints were found false and fabricated. Petitioner Subhajit Dutta is a habitual complainant and is habit of filing various complaints which are not supported by any evidences.

However the undersigned is ready to abide by all the directions passed by this Hon'ble Court.

Submitted Please.

*SHO/S J Enclave”
(emphasis supplied)*

14. *Keeping in view the aforesaid and the way the matter has been argued before us makes us think that the appellant may need care and protection. Since the statutory duty under Section 100 of the Mental Healthcare Act, 2017 has been cast upon the SHO of the concerned area of police station, this Court directs the SHO, Safdarjung Enclave, to periodically meet the appellant and to ensure that, in the event he needs any help or assistance, the same is provided.*

15. *However, this Court has no doubt that the impleadment of respondent no.2 is totally uncalled for both in fact and in law. By virtue of the Judicial Officers Protection Act, 1850, respondent no.2 could not have been impleaded in-person.*

16. *This Court has further no doubt that the underlying writ petition has been filed only to ensure that the District Court Judges who deal with the eviction petitions do not expeditiously decide the same. Keeping in view the aforesaid, this Court directs the learned Senior Civil Judge to decide the eviction petition filed against the appellant within three months from receipt of the order, in accordance with law, uninfluenced by any special status as claimed by the appellant.*

17. *With the aforesaid directions, present appeal along with pending applications stands disposed of.”*

7. The Petitioner assailed the aforesaid order of the Division Bench before the Supreme Court of India through SLP (C) No. 28482/2023, whereby the Supreme Court dismissed the petition vide order dated 22nd January, 2024, in the following terms:

Heard the petitioner appearing in person.

Surprisingly, the petitioner has described himself as a “special constitutional functionary” and he maintains that he has the same status. Such a claim cannot be accepted. In any case, looking to the order of the



learned Single Judge and the impugned order of the Division Bench, the Special Leave Petition is completely frivolous. Hence, the same is dismissed. Pending applications stand disposed of accordingly.”

8. Through CM APPL. 54596/2024 before this Court, the Petitioner re-asserts his claim of being a ‘Special Constitutional Functionary’ of the Union of India, and prays for a stay of execution proceedings: “*due to the situations out of which the entire life, livelihood, liberty, lawful service, office, authority, accommodation along with all lawful, movable and immovable properties at the lawful possession of the Petitioner in person is under ultimate threat, as well as all ongoing other highest level judicial, executive and constitutional actions and functions at his instance as Union of India’s ‘Special Constitutional Functionary’ and the complainant in person and or Petitioner in person upto before Supreme Court of India are at stake*”.

9. The Petitioner also avers in the application that: “*Respondents, along with their involved subordinates, goons, land and addiction mafiamen and women, political extremists of ultra-rightist Hindutva nature and even local police- backed, multi-state-linked and State-sponsored terrorism including Narco-terrorism with simultaneous drugs and sex-racket activities, have been legally targeting the Petitioner in person in each and every possible manner and mala fide activities*”.

10. He also states that: “*as part of the same and out of open-secret unholy nexus as described above, they are all-set now in the most desperate all out manners to continue and at once complete and conclude ongoing the above-aid proceedings and unlawful, unconstitutional, inhuman, revengeful, biased, prejudiced, raw egoist and criminal conspiracy based actions of*



dispossession, eviction and the related unlawful process of execution there upon against the petitioner in person on 18th September, 2024 in the most fraudulent manners since the very beginning”.

11. The Court has thoroughly reviewed the submissions made by the Petitioner, but finds that the assertions presented lack any coherent or legally substantive grounds. Notwithstanding the convoluted nature of the Petitioner’s claims, after reviewing the relevant pleadings and orders on record, it is apparent that this writ petition challenges two specific orders passed by the Senior Civil Judge (SCJ), South District, Saket Courts, dated 30th August, 2022, and 13th October, 2022. The impugned orders pertain to ongoing eviction proceedings against the Petitioner, which have been duly considered and adjudicated upon by the SCJ. The impugned orders read as follows:

“30th August, 2022

“Matter is at the stage of reply and arguments on applications · under· Section 151 CPC moved by plaintiff & Order 8 Rule 1 CPC filed by defendant.

*Arguments also heard on application under Order 8 Rule 1 · CPC moved by defendant for condonation of delay in filing the WS. Ld. Counsel for plaintiff submits that he has no objection to the said application. In view of the submissions made and in the interest of justice, **application under Order 8 Rule 1 CPC moved by defendant is hereby allowed and delay in filing the WS by defendant is condoned.** Application stands disposed off accordingly. Replication, if any be filed on or before NDOH, with advance copy to the opposite side.*

Another application under Section 151 CPC moved by defendant for dismissal of the present suit is also pending for consideration.

Ld. Counsel for plaintiff submits that he does not wish to file reply to application under Section 151 CPC and will straight away address arguments.

Arguments heard on both the applications moved by defendant under Section 151 CPC (filed on 15.07.2022 and 26.08.2022) .

I shall first decide application under Section 151 CPC moved by defendant on 15.07.2022. The said application has been filed by defendant



stating that present suit be dismissed as the same involves questions regarding Constitution and Fundamental Rights of defendant, which are beyond the jurisdiction of this court. It is further submitted that the present suit includes criminal matters which are pending between the parties and beyond the jurisdiction of this court. It is further submitted that defendant has not been provided proper LAC by DLSA and hence, the suit be dismissed.

At the very outset, it must be noted here that it has been specifically asked to the defendant as to whether he wishes to avail legal representation. Defendant has stated that LACs provided to him earlier were not doing their job properly and that he will address the arguments himself.

Arguments heard.

As far as competence of this court to determine questions about Constitution, Fundamental Rights and criminal matters between the parties are concerned, it must be noted that no such questions are subject matter of the present suit. Present suit is a suit for eviction, damages and permanent injunction. Hence, there is no requirement of adjudicating any Constitution, Fundamental Rights and criminal matters between the parties. It has also been argued by defendant that present suit is barred by Section 80 of CPC as no statutory notice has been served upon him. However, the said submission is devoid of any merit as present suit has been filed against defendant in his individual capacity and the same has not been filed against him in the capacity of a public officer, as contemplated under Section 80 CPC. Hence, there is no applicability of Section 80 CPC to the present suit.

In view of the above discussion, **application under Section 151 CPC filed by defendant on 15.07.2022 is hereby dismissed.** Application stands disposed off accordingly.

I shall now dispose off application under Section 151 CPC moved by defendant on 26.08.2022 for dismissal of present suit on the ground that defendant wanted to approach Hon'ble High Court of Delhi after 18.07.2022, but could not do so as copying agency failed to provide certified copy of the relevant orders. That defendant has been physically assaulted. That defendant has written to Hon'ble Apex Court about corruption in the lower judiciary vide application dated 23.06.2022/24.06.2022. That vide memo dated 07.07.2022, Department of Law has asked the concerned authority to take action in related matters pertaining to DLSA. That plaintiff is trying to evict defendant from the suit property in extra judicial manner and hence, present suit be dismissed.

I have heard the arguments and perused the record.

At the very outset, it must be noted that present application is vague and has absolutely no connection to merits of the present case or any provision of law. This court has no concern with complaints or representations which might have been made by defendant before other authorities. As far as allegations against copying agency are concerned, the same are also vague and defendant has not even specified as to when did he



*apply for certified copy of order dated 18.07.2022. Even otherwise, non supply of certified copy cannot be basis for dismissal of the present suit. Averments made in the present application are completely extraneous, having no relation whatsoever to merits of the present case. There is no ground for dismissal of the present suit. Hence, present **application under Section 151 CPC filed by defendant on 26.08.2022 is hereby dismissed.** Application stands disposed off accordingly.*

Put up for argument on application under Section. 151 CPC moved by plaintiff/completion of pleadings/framing of issues/FP on 13.10.2022.

*(Rajat Goyal)
SCJ (South)/Saket Courts
New Delhi/30.08.2022”*

13th October, 2022

Matter is listed for arguments on application under section 151 CPC moved by plaintiff/completion of pleadings/framing of issues/further proceedings.

At this state, an application under section 114 CPC has been filed on behalf of defendant for review order dated 30.08.2022. Copy supplied to the opposite side.

Ld. Counsel for plaintiff submits that he does not \ wish to file any reply to the abovesaid application and will straightaway argue the same.

List the matter for arguments on both the abovesaid applications on 02.12.2022.

*(Santosh Kumar Singh)
SCJ (South)/Saket Courts/
New Delhi 13.10.2022”*

12. The Petitioner has assailed the aforementioned orders without any lawful basis, and none of the grounds urged by him are legally tenable. As already noted by this Court in order dated 16th April, 2024, the SEJ-cum RC, on 8th April, 2024, had passed the following order:

“Defendant has not turned on his camera despite repeated directions being given. The submissions of the defendant are also not clear due to poor connectivity at his end.

An application under Order XVII Rule 1 r/w Section 151 CPC has been received through post, on behalf of the defendant, seeking adjournment. Heard. Perused. I do not find any merit in the said application. The application has been filed in the routine manner by the defendant. Moreover, defendant has already been proceeded ex-parte with his defence being struck off and the said orders have not been assailed by



him yet. Accordingly, application under Order XVII -Rule 1 r/w Section 151 CPC for adjournment stands dismissed.

Ex-parte final arguments are heard.

Put up for ex-parte final judgment/clarifications, if any, on 20.04.2024.”

13. The above clearly shows that the Petitioner’s conduct, including his repeated failure to comply with court’s directions and participate meaningfully in the proceedings, has resulted in his defence being struck off, leading to the *ex-parte* hearing of final arguments. The Petitioner has not challenged these orders, nor has he provided any substantial reason to warrant a review or setting aside of the orders passed by the SCJ-cum-RC. His attempts to seek adjournments appear to be routine and without merit, further delaying the legal process. Therefore, the present petition, in its entirety, lacks a legitimate basis for any relief sought.

14. It is noted that the eviction proceedings before the SEJ-cum RC have culminated with the appointment of a bailiff *vide* order dated 6th September, 2024. In the opinion of the Court, the said order is a consequential action emerging from the eviction proceedings, and does not call for any judicial intervention of this Court by way of writ proceedings, as there is no basis to impugn the eviction order.

15. Moreover, the orders challenged by the Petitioner in the present proceedings, which are based on the unfounded claim of being a *de facto* “Special Constitutional Functionary” of the Union of India, do not merit any interference. This Court has previously noted that such a claim is not only without legal foundation, but also irrelevant to the issues at hand in the eviction proceedings.



16. In view of the above, the Court finds no merit in the present petition and accordingly, the same is dismissed along with pending application(s).

SANJEEV NARULA, J

SEPTEMBER 18, 2024

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