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

+ **W.P.(C) 12713/2024 & CM APPL. 53021/2024**

RAM KISHAN

.....Petitioner

Through: Mr. Ashish Mohan, Mr. Sultan Chaudhary, Mr. Krishna Roy, Mr. Satyapal, Mr. Pravesh, Mr. Sachin Choudhary, Advocates.

versus

THE STATE, GOVT. OF N.C.T. OF DELHI & ANR.

.....Respondents

Through: Mr. Vivek Sharma, Senior Panel Counsel for R-2.
S.I. Prashant Malik, P.S. Mayur Vihar

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

11.09.2024

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1. Petitioner's grievance arises from non-compliance of order dated 02nd July, 2024 in writ petition bearing No. W.P.(C) 8867/2024 as well as order dated 28th May, 2024 passed by District Magistrate (East) for eviction of the Petitioner's daughter-in-law, Mrs. Radha, widow of late Mr. Satish Kumar and Petitioner's grandsons Mr. Abhishek and Mr. Ansh.
2. Mr. Ashish Mohan, counsel for the Petitioner, submits that pursuant to the afore-noted orders, Petitioner secured possession of two properties admeasuring 500 square yards and 50 square yards situated at Khasra No. 332/80, however, the third property identified as 150 square yards, which is located in the same Khasra No. 332/80, is in occupation of some trespassers.



He further submits that the District Magistrate through order dated 26th July, 2024 directed the SHO (P.S. Mayur Vihar) to depute a beat constable to ensure strict compliance of the orders passed by it. Hence, the Petitioner seeks a direction to the Respondent to execute the order passed by the District Magistrate and to ensure that the vacant possession of the properties be delivered to the Petitioners with no further interference of trespassers.

3. It is noted that through order dated 26th July, 2024, the District Magistrate noted that hindrance caused by trespassers is interfering with the peaceful possession of the properties of the Petitioner. The said order reads to the following effect:

“3. In view of the aforesaid, and after perusal of the said application, including the photographs attached with the application, it appears that the peaceful possession of the Applicant/Senior Citizen qua the property in question is being disturbed repeatedly despite orders passed by this Tribunal, the Appellate Tribunal as well as the orders of the Hon’ble Delhi High Court. This Tribunal is of the considered view that the peaceful possession of the Senior Citizen qua the subject property should not be disturbed by any party, including the Respondents. It appears that the Respondents, in order to circumvent the orders of this Tribunal, have installed proxy trespassers in the subject properties, thereby causing further harassment to the Applicant/Senior Citizen, and violating the orders issued by this Tribunal.

4. In view thereof, the SHO (P.S. Mayur Vihar) is directed that the order of eviction be complied with immediately; and the Respondents, or any other illegal trespasser found within the subject properties be evicted from the subject property, and the complete vacant possession of the same be handed over to the Applicant, or any person authorized by the Applicant so that the Applicant may enjoy his property without any further harassment and hinderance by the Respondent or any trespassers. The aforesaid be complied within a period of 48 hours, from the date of receipt of this order and a compliance report be filed in respect to the same within 7 days. It is further directed that in case any person found obstructing or violating the implementation the orders of this Tribunal, strict action may be taken against such persons as per law.”



4. In the above background, counsel for the Respondent No. 2 assures that the orders of this Court and those passed by the District Magistrate shall be positively complied with.
5. Having regard to the afore-noted circumstances and the previous orders of this Court and the District Magistrate, Respondents are directed to ensure compliance within a period of two weeks from today.
6. The present petition along with pending applications, if any, is disposed of.

SANJEEV NARULA, J

SEPTEMBER 11, 2024/ab