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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 3179/2024 & CM APPL. 13105/2024

VIJENDER SINGH

.....Petitioner

Through: Mr. S.K. Mishra & Mr. Pankaj
Balwan, Advocates.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Gigi C. George & Mr. Sunil
Kumar, Advocates for R-1 to 3.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

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07.03.2025

1. Learned Counsel for the Respondent Nos.1 to 3 has returned with instructions. He fairly submits that the notice dated 21.11.2016 does not satisfy the criteria as is set out under Section 7(3) of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 [hereinafter referred to as "PP Act"].
2. Learned Counsel for the Petitioner submits that the Petition can be disposed of in terms of the statement made by the learned Counsel for the Respondent Nos.1 to 3.
3. Section 7 of the PP Act reads as follows:

"7. Power to require payment of rent or damages in respect of public premises.—(1) Where any person is in arrears of rent payable in respect of any public premises, the estate officer may, by order, require that person to pay the same within such time and in such instalments as may be specified in the order.

(2) Where any person is, or has at any time been, in unauthorised occupation of any public premises, the estate officer may, having regard to such principles of assessment of damages as may be prescribed, assess the damages on account of the use and occupation of such premises and may, by order, require that person to pay the damages within such time and in such instalments as may be specified in the order.

[(2A) While making an order under sub-section (1) or sub-section (2),



the estate officer may direct that the arrears of rent or, as the case may be, damages shall be payable together with 4 [compound interest] at such rate as may be prescribed, not being a rate exceeding the current rate of interest within the meaning of the Interest Act, 1978 (14 of 1978).]
(3) No order under sub-section (1) or sub-section (2) shall be made against any person until after the issue of a notice in writing to the person calling upon him to show cause 5 [within seven days from the date of issue thereof], why such order should not be made, and until his objections, if any, and any evidence he may produce in support of the same, have been considered by the estate officer.
[(3A) If the person in unauthorised occupation of residential accommodation challenges the eviction order passed by the estate officer under sub-section (2) of section 3B in any court, he shall pay damages for every month for the residential accommodation held by him.]
[(4) Every order under this section shall be made by the estate officer as expeditiously as possible and all endeavour shall be made by him to issue the order within fifteen days of the date specified in the notice.]”

4. The Notice that is required to be given under Section 7(3) of the PP Act has to comply with the procedure that has been set out in such provision. As stated above, the Notice relied upon by the Respondents does not comply with the same. Given the foregoing, the impugned demand Notice dated 04.12.2018 is quashed.
5. However, liberty is granted to the Respondents to take appropriate steps in accordance with law against the Petitioner.
6. This order is passed without prejudice to the rights and contentions of both the parties.
7. The Petition is disposed of in the foregoing terms. Pending Application stands closed.

TARA VITASTA GANJU, J

MARCH 7, 2025/ ha/pa

[Click here to check corrigendum, if any](#)