



\$~80, 81, 82, 83 & 88

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

+ W.P.(C) 8226/2025, CM APPL. 35972/2025

(80) R K STORE

.....Petitioner

Through: Mr. Anuroop P.S., Mr. Gaurav Bidhui
Advs.

versus

MAULANA AZAD MEDICAL COLLEGE AND ANOTHER

.....Respondents

Through:

+ W.P.(C) 8229/2025, CM APPL. 35982/2025

(81) SS GEERAL STORE

.....Petitioner

Through: Mr. Anuroop P.S., Mr. Gaurav Bidhui
Advs.

versus

MAULANA AZAD MEDICAL COLLEGE AND ANOTHER

.....Respondents

Through:

+ W.P.(C) 8236/2025, CM APPL. 35991/2025

(82) VIJAY KUMAR TEA SHOP

.....Petitioner

Through: Mr. Anuroop P.S., Mr. Gaurav Bidhui
Advs.

versus

MAULANA AZAD MEDICAL COLLEGE AND ANOTHER

.....Respondents

Through:

+ W.P.(C) 8238/2025, CM APPL. 35994/2025

(83) SANJAY MEDICOS

.....Petitioner

Through: Mr. Anuroop P.S., Mr. Gaurav Bidhui
Advs.

versus



MAULANA AZAD MEDICAL COLLEGE AND ANOTHER

.....Respondents

Through:

+ W.P.(C) 8309/2025, CM APPL. 36124/2025

(88) SHRI BABA GARIB NATH PARMARTH SEWA SANSTHAN
MEDICOS

.....Petitioner

Through: Mr. Mr. Anuroop P.S., Mr. Gaurav
Bidhui Advs.

versus

MAULANA AZAD MEDICAL COLLEGE AND ANOTHER

.....Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

% **30.05.2025**

CM APPL. 35973/2025 (Exemption) in W.P.(C) 8226/2025

CM APPL. 35983/2025 (Exemption) in W.P.(C) 8229/2025

CM APPL. 35992/2025 (Exemption) in W.P.(C) 8236/2025

CM APPL. 35995/2025 (Exemption) in W.P.(C) 8238/2025

CM APPL. 36125/2025 (Exemption) in W.P.(C) 8309/2025

1. Allowed, subject to all just exceptions.

2. The applications stand disposed of.

W.P.(C) 8226/2025

W.P.(C) 8229/2025

W.P.(C) 8236/2025

W.P.(C) 8238/2025

W.P.(C) 8309/2025

3. The present petitions assail notices dated 10.05.2025 issued to the petitioners by the concerned Administrative Officer, Maulana Azad Medical College/respondent no. 1 which are identical in terms. The said notice/s



read as under:-

Speed Post

NOTICE

It has come to the notice of the concerned authorities that these shops are being run illegally within the temple premises located inside the MAMC Campus. These commercial activities are unauthorized and violate the rules regulations governing the use of the campus property.

You are hereby directed to vacate the said premises within fifteen (15) days of the receipt of this notice. If you have any ownership proof, please submit the same to the undersigned.

Failure to comply the stipulated time frame will compel the authorities to initiate appropriate legal and administrative action as per applicable laws.

This issues with the prior approval of the competent authority.

Admin. Officer,
Estate, MAMC.

4. Upon receiving the notice, the petitioners filed reply to the same. It is submitted by the petitioners that the proposed eviction is in utter contravention of law, and has been issued without granting any opportunity of personal hearing to the petitioners.
5. It is submitted that earlier, similar proceedings were earlier initiated by Lok Nayak Jaya Prakash Hospital through the Estate Officer under the Public Premises (Eviction of Unauthorized Occupants) Act, 1971, (hereinafter the 'PP Act') which culminated in a judgment dated 30.01.2003 passed in W.P.(C) No. 1567/2001 titled as *Sanjay Medicos v. Director (Admn.), LNJP Hospital*. The relevant portion of the judgment is reproduced as under –



“It is trite law that even a person who is in unauthorised occupation has to be evicted in accordance with law. Law in the instant case is Public Premises (Eviction of Unauthorised Occupants) Act, 1971. Once it lays down a particular procedure in respect of particular kind of cases as mentioned in Section 5-A, this procedure and mandate of that provision has to be followed by the respondents. Since notice under Section 5-A (2) was not served upon Baba Haider Dass Ashram nor was it made a party in the proceedings even after petitioners took specific objection in respect thereof, the proceedings and consequential Order 21st December, 2000 is not in accordance with law and has to be quashed.

These Writ Petitions are accordingly allowed. Order dated 21th December 2000 passed in these cases are hereby set aside. It would, however, be open to the respondents to take fresh action after following due procedure in law. In case fresh action is initiated, petitioners herein as well as Baba Haider Das.”

6. It is submitted that no proceedings under the PP Act have been initiated by the Maulana Azad Medical College in the aftermath of the aforesaid judgment dated 30.01.2003 concerning the same premises.

7. Considering the circumstances, the present petition is disposed of with the following directions:-

- i. The concerned Administrative Officer of Maulana Azad Medical College who has issued the notice dated 10.05.2025 shall grant an opportunity of hearing to the petitioners.
- ii. Thereafter, a speaking order shall be passed by the concerned officer, taking into account the contentions of the petitioners.
- iii. Any further steps as regards the eviction of the petitioners from the premises in question shall only be taken after the aforesaid exercise is completed.

8. Needless to say, if the petitioners are aggrieved by the outcome of the aforesaid exercise, they shall be at liberty to avail appropriate remedies under law.



9. The petitions are disposed of in the above terms.
10. Order *Dasti*.

SACHIN DATTA, J

MAY 30, 2025/uk, sv