
(2020) 01 DEL CK 0078

In the Delhi High Court

Case No : Civil Writ Petition No. 27315 Of 2019

Sunita Bharti

APPELLANT

Vs

Union Of India & Anr

RESPONDENT

Date of Decision : 07-01-2020

Acts Referred:

Public Premises (Eviction Of Unauthorised Occupants) Act, 1971 — Section 7

Citation : (2020) 01 DEL CK 0078

Hon'ble Judges : Sanjeev Sachdeva, J

Bench : Single Bench

Advocate : T.Singh Dev, Tarun Verma, Prashant Kumar Umrao, Srivats Kaushal

Final Decision : Disposed Of

Judgement

Sanjeev Sachdeva, J

CM APPL. 55976/2019 (Exemption)

Exemption is allowed subject to all just exceptions.

CM APPL. 55974/2019 & 55975/2019

1. Petitioner impugns orders dated 20.05.2019 and 15.06.2019 whereby order of eviction under the Public Premises (Eviction of Unauthorised Occupants) Act has been passed against the petitioner. Petitioner also impugns the Policy dated 07.02.2018 and 17.01.2018.

2. Petitioner was the allottee on license basis of a tea/coffee shop in level 3 and tea/coffee shop near medical store in the Army Hospital (Research and Referral), Delhi.

3. The license granted to the petitioner was valid upto 30.06.2019. After the expiry of the license, no further extension has been granted. Petitioner continued in possession and consequently the impugned eviction orders have been passed under the Public Premises Act.

4. Learned counsel for the petitioner under instructions from Mr.Kapil Bharti, son of the petitioner seeks leave to withdraw the petition. He undertakes that petitioner shall vacate and hand over the peaceful, vacant possession of the subject stall on or before 31.01.2020. He further undertakes that petitioner shall clear the entire arrears of license fee at the agreed rate till 30.06.2019 and thereafter shall pay the license fee at the same rate till 31.01.2020.

5. Learned counsel for the respondent submits that the respondents have also initiated proceedings under Section 7 of The Public Premises (Eviction of Unauthorised Occupants) Act and the payment of the amount post 01.07.2019 would be without prejudice to the rights of the respondents and without prejudice to any order that may be passed in the said proceedings.

6. In view of the above, the writ petition is dismissed as withdrawn. Subject to petitioner filing an affidavit of undertaking, within a period of one week that (i) petitioner shall vacate and surrender the peaceful, vacant possession of the subject shops on or before 31.01.2020, (ii) Petitioner shall clear the arrears of license fee upto 30.06.2019 at the agreed rate, (iii) shall also pay use and occupation charges from 01.07.2019 till 31.01.2020 at the same rate and (iv) till the date of vacation petitioner shall pay other charges towards electricity, water etc., no coercive action shall be taken against the petitioner till 31.01.2020.

7. It is clarified that Payment of use and occupation charges post 01.07.2019 till the date of vacation shall be without prejudice to the rights and contentions of the parties.

8. It is further clarified that this order would also be without prejudice to the rights of the petitioner to defend any proceedings initiated under Section 7 of the Public Premises Act.

9. Petition is accordingly disposed of in the above terms.

10. The next date of 30.04.2020 is cancelled.

11. Order Dasti under signatures of the Court Master.