

**IN THE COURT OF MS. ANJU BAJAJ CHANDNA
PRINCIPAL DISTRICT & SESSIONS JUDGE
CENTRAL DISTRICT : TIS HAZARI COURTS :
DELHI**

**CNR No. DLCT01-010550-2018
PPA No. 18/2018**

H. S. Bawa
S/o Late Sh.Bakshi Ram
Khasra No.2592, Basti Reghar
3-A/112, WEA, Karol Bagh
New Delhi-110005

...Appellant

Versus

Delhi Development Authority
Vikas Sadan, INA
New Delhi-110023

...Respondent

Date of filing	:	14.08.2018
Arguments heard on	:	19.01.2026
Date of pronouncement	:	31.01.2026

Appearance:

Sh. Deepak Dewan, Ld. Counsel for appellant
Sh. Anupam Sharma, Ld. Counsel for
respondent

ORDER:

1. The subject matter of the present appeal filed under Section 9 of The Public Premises (Eviction of Unauthorized Occupants) Act 1971, is the order dated 30.07.2018 passed by Sh.Y. S. Butola, Estate Officer-II D, Delhi Development

Authority against the respondent H. S. Bawa (appellant herein) with respect to public premises bearing no. 3-A/112, Basti Reghar, Khasra No.2592, WEA Karol Bagh, Delhi-110005.

2. The issue is with respect to removal of encroachments whereby 10-12 shops have been erected adjacent to the vacant plot belonging to DDA.

3. It has been the contention of DDA that planning of plot is being affected due to the encroachment. The appellant H. S. Bawa being the occupant of the plot was assessed for damages for use of aforesaid public premises but no payments have been made. During the proceedings before the Estate Officer, the factum of unauthorised occupation has been admitted, although the issue of relocation is raised. The Estate Officer observed that he is not competent to decide the issue of relocation and since the premises in question is a public premises and respondent is the unauthorised occupant and even damages have not been paid, respondent is liable to vacate the same. It has also been noted that land in question is urgently required by Deputy Director (Lands).

4. The impugned order has been assailed on the grounds that impugned order is erroneous and contrary to statutory provisions. Estate Officer is not empowered to initiate a common proceedings under Section 5 and Section 7 of the Act. Estate officer has on one hand initiated common proceedings

under two distinct provisions detailed out in Section 5 and 7 of the Act, for which there ought to have been two different proceedings as the grounds and provisions are completely different. The appellant is in possession of the shop since 1988 and is earning his livelihood from the said shop. The land in question over which the shop has been constructed is not required by Deputy Director (Lands). There is cremation ground adjoining the subject land, thus no development admittedly can be carried on that land. The respondent may relocate the appellant in any other locality from where he can sustain his livelihood. It is prayed that impugned order be set aside.

5. Written submissions has been filed on behalf of respondent/DDA stating that appellant has absolutely no right, title or interest in the property. Land of entire Khasra belongs to the DDA and its ownership has duly been recorded in revenue records. A proper show-cause notice under Section 4 (1) of the PP Act 1971 was issued by Estate Officer and the appellant had appeared before the Estate Officer and proper opportunity of being heard and showing cause as to why eviction orders be not passed was, admittedly, given to the appellant. The impugned order has been passed after following the due procedure as per Public Premises Act 1971 and after considering all the facts of the case.

6. After having examined the record of the case, contentions of both the sides, facts and circumstances of the case, I am of the opinion that no interference with the order dated 30.07.2018 is called for. Since there is an admission on behalf of appellant that he is an unauthorised occupant and no rightful claim to the possession of the property in question is shown and also the assessment of damages has already been done, appellant is under obligation to vacate the premises. The Estate Officer has rightly ordered for eviction as well as damages. The charges sought by the department is as per rules and regulations.

7. In view of above observations, I find no illegality and impropriety in the order dated 30.07.2018. Appeal is accordingly dismissed.

8. Copy of this order along with record of Estate Officer be sent to the concerned authority.

9. File be consigned to the record room

(Anju Bajaj Chandna)
Principal District & Sessions Judge
Central District, Tis Hazari Courts
Delhi/31.01.2026