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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 1523/2012**
MUNICIPAL CORPORATION OF DELHI

..... Petitioner

Through : Mr.Kumar Rajesh Singh, Standing
Counsel and Ms.Punam Singh,
Advocate.

versus

TRILOK CHAND TYAGI AND ANR

..... Respondents

Through : Mr.K.N.Tripathi, Advocated.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

% **14.01.2019**

CM APPL No.1283/2019

The Estate Officer has held the subject premises is not a public premises under the Public Premises (Eviction of Unauthorized Occupants) Act, 1971. The decision of the Estate Officer was upheld by the District Judge. Feeling aggrieved by the two orders, the Corporation/ petitioner has filed this writ and on 21.03.2016 it was ordered to be listed in due course.

During the pendency, the learned counsel for respondent alleges the petitioner is trying to demolish the subject premises, hence, seeks direction to refrain the petitioner from demolishing it and from evicting the respondents by any coercive action.

Since the matter is subjudice in this Court and the Estate Officer as also the District Judge in appeal has held the premises

being not public premises under the Act, accordingly the application is allowed and the petitioner is restrained from evicting the respondents from subject premises and also from taking any other coercive action till the pendency of this writ petition.

The application stands disposed of.

Copy of this order be given *dasti* to the learned counsel for respondent under signatures of the Court Master.

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The learned counsel for petitioner alleged the subject premises belong to the MCD as they have got a sale deed in their favour and hence the matter may be listed in advance list.

Registry is directed to delete this matter from the category of '*Finals*' and list it in the category of '*After Notice Miscellaneous Matters*'. The scanned LCR is already on record.

List for hearing on 06.05.2019.

YOGESH KHANNA, J.

JANUARY 14, 2019

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