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

+ **W.P.(C) 9236/2017 & CM APPL. 37765/2017**

SHRI OM PRAKASH GROVER AND ORS. Petitioners

Through: Mr. Vipin Singhania and Mr. Diwakar
Chirania, Advocates

versus

MUNICIPAL CORPORATION OF DELHI Respondents

Through: Mr. Parvinder Chauhan with Ms.
Aakriti Garg, Advocates for DUSIB
Ms. Ishita Pathak, Proxy counsel for
Mr. Ajay Dispaul, SC for MCD

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

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08.04.2024

[Physical Hearing/Hybrid Hearing (as per request)]

1. The order impugned in this writ action is the one passed under Section 7 of the Public Premises (Eviction of Unauthorised Occupants) Act [‘the Act’] by the Estate Officer, followed by the order passed under Section 9 of the Act by the Appellate Authority. A query was put to learned counsel for petitioners as regards status of proceedings under Section 5 of the Act, to which it was informed that the proceedings under Section 5 of the Act were dropped by the respondent. On this, learned counsel for respondent explained that since cancellation of lease had attained finality, the Estate Officer conducted proceedings under Section 7 of the Act and the MCD (respondent no.1) had a policy not to evict unauthorized occupants and permit them to continue occupation of the premises subject to payment of



damages, proceedings under Section 5 of the Act were dropped.

2. The question to be examined is as to whether the decision of the respondent to allow a person to continue in occupation of the premises after termination of license would not be an act of acquiescence.

3. It appears that despite repeated directions across this period of almost six years, counter-affidavit is not being filed. Last and final opportunity is granted to the respondent to file counter-affidavit within four weeks, failing which it would be assumed that they have nothing to say and the matter shall be decided on merits.

4. Relist for final arguments on 12.08.2024.

GIRISH KATHPALIA, J

APRIL 8, 2024/rk

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